

LAW ENFORCEMENT NEWS

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What They Are Saying:

"We're very concerned whether we can afford 911 after this."

Carl Tronolone, assistant corporation counsel in Buffalo, N.Y., after the state Court of Appeals upheld an \$800,000 award in a case of a mishandled 911 dispatch. (Page 5:1)

Tougher stance taken on domestic violence

In Houston, police officers called to the scene of domestic violence can now arrest abusive partners without a warrant and must give the battered spouses information on where they can find help.

In Duluth, Minn., officers must arrest the abusive partner if there is evidence of physical injury within the past four hours, and the arrested partner receives professional counseling at the jail.

In Albuquerque, the police department has redesigned its data collection system to pick up patterns of domestic violence and has completed two training videotapes to educate officers about laws concerning domestic violence and community programs available to help battered women.

Those cases are part of a national shift in ideas about how police should handle domestic violence. As women's groups have pushed for stricter handling of abusive partners over the past 10 years, police officials and legislators have begun to treat domestic violence not as a civil matter but as criminal conduct.

In most states, laws governing warrantless arrests have been changed to allow police to arrest spouse abusers even if they did not witness the attack.

In 18 states, police also must inform the victims of their rights. In 11, officers are either permitted or required to transport victims to the hospital.

And in five — Delaware, Maine, North Carolina, Oregon and Utah — arrests are mandatory in some cases.

"There has been a major change," said Louise Mellin of the Center for Women Policy Studies, a non-profit group that has studied state domestic violence



laws.

"Ten years ago, [battering] wasn't treated like a crime. Women weren't encouraged to file charges. Police just took the batterer for a walk around the block."

"The thing that surprised me [when police officials were trained in new methods for handling domestic violence] was how quickly the changes were made," said Nancy Loving of the Police Executive Research Forum, which has coordinated a year-long program in domestic violence in four police departments.

"It's been amazing."

Although almost everyone who has studied the problem agrees that the key to reducing the number of repeat violations is treating the abuse more seriously, there is some debate about what policies police departments should adopt.

Almost all new domestic violence policies adopted in recent years have differentiated between domestic disturbance — verbal arguments — and domestic violence — physical abuse.

But some law enforcement experts think arrests should be mandated under certain circumstances, while others argue that arrest should be left to the officer's discretion.

Those who argue for mandatory arrest policies back up their stand with the results of experiments conducted in Minneapolis and Duluth. Some suggest arrest should be mandatory in felony assaults, others in cases where the spouse has violated a protection order.

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NYPD gets first black as top cop

New York Mayor Edward Koch has named Benjamin Ward, the city's corrections commissioner, as his new police commissioner. Ward becomes the first black man to head the nation's largest police agency.

The move comes less than three months after Chicago appointed its first black police superintendent, Fred Rice Jr. The top police posts in four of the country's six largest cities are now held by blacks.

Ward, 57, has 23 years' experience in the New York City force, where he rose to the post of deputy commissioner before resigning in 1975 to become state commissioner of correctional services.

He also has served as chief of the city's Housing Authority police and was appointed city corrections commissioner in August 1979.

Ward replaces Robert J. McGuire, who was commissioner for nearly six years. McGuire announced his resignation last



Benjamin Ward

month.

In announcing Ward's appointment, Koch said that he wanted a commissioner who was "someone who I knew" and who had worked in law enforcement. Ward fit that description, the mayor said.

"I've seen him in action," Koch said.

Koch, who has been under fire in recent months for alleged police brutality against minorities, said Ward was not

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LAPD intelligence unit under fire for alleged spy planted in Black Panthers

The Los Angeles City Council and Police Commission have launched an unusual joint investigation into alleged abuses by the Los Angeles Police Department's intelligence-gathering unit after charges by a local law firm that the department was guilty of misconduct in its handling of an undercover operation.

The law firm, O'Melveny & Myers, said a police officer who had infiltrated the Black Panther Party monitored confidential discussions that took place in 1977 between party members and attorneys from the firm who had agreed to represent them free of charge in a class-action suit against the police department.

In a letter to the Police Commission, two partners of O'Melveny & Myers said the undercover officer had intruded into "our professional relationship with our clients" by reporting on the proceedings to his superiors in the police department.

At the time, members of the Black Panthers were contemplating a suit against the department on charges that they had been subjected to unwarranted surveillance and harassment. The suit was settled out of court after the department

agreed to "back off" its surveillance of the group.

Police Chief Daryl Gates responded angrily to the firm's complaint, demanding an apology and saying the firm's actions showed "a lack of good citizenship."

But the Police Commission, and later the City Council, defended the law firm's right to take its grievance over Gates's head. Within days, the two bodies announced the joint investigation into the attorneys' complaint and several other controversies involving the now-abolished Public Disorder Intelligence Division.

The intelligence unit has been under almost constant fire for five years, most of it centering on allegations that the unit had been used to spy on private citizens, civic organizations and local politicians.

The controversy came to a head last winter, when The Los Angeles Times reported that some of the unit's files, which the police commission had ordered destroyed, had been moved to an officer's home in an apparent effort to avoid the mandate.

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...NewsBriefs...NewsBriefs...NewsBriefs...

New missing-child bill takes wing in U.S. Senate

A new movement is afoot in Congress to pass legislation aimed at the problem of missing children, this one headed up by Senators Paula Hawkins of Florida and Arlen Specter of Pennsylvania.

The two senators have introduced legislation that would establish a national clearinghouse for coordinating efforts to find missing children and a toll-free hotline to help collect information.

Last year, Congress passed the Missing Children Act of 1982, which gave parents access to the National Crime Information Center's computer network. That legislation, which was backed by the Reagan Administration, means that the FBI must place information about a missing child in its computer files if requested to do so by the parents, through the local police.

The new bill sets aside \$10 million a

year to operate the telephone hotline and clearinghouse. An identical measure has been introduced in the House by Representatives Paul Simon of Illinois and Michael Andrews of Texas.

Specter said he thinks the bills have strong support, pointing out that 1.8 million children disappear from their homes every year. "These missing children face great danger. They are vulnerable to exploitation, abuses and murder," he said.

John Walsh, the father of 6-year-old Adam, who was abducted and killed two years ago, joined the senators in urging speedy passage of the legislation. Adam's disappearance was the subject of a recent television movie.

FBI called in to probe charges of abuse by NY state troopers

The Federal Bureau of Investigation is looking into charges that New York State Police troopers assaulted 21 people arrested during the New York State Fair in Syracuse last August and September.

The FBI has interviewed four men allegedly beaten by the police while being arrested at the fair. Two state investigations into the charges also are underway. In addition, top officials are looking into allegations that troopers lodged at a Syracuse motel were intoxicated, smoked marijuana and swam nude in the motel pool.

More than 200 state troopers were assigned to the state fair, and made 172 arrests on charges ranging from narcotics sales to disorderly conduct. Most of the brutality complaints came from defendants in their teens or 20's who were arrested by a 17-member canine patrol unit.

Defendants claim that they were beaten and kicked during the arrests, and one was hospitalized with groin injuries. One man has filed a \$6 million suit against the state police.

But police officials say they have found no evidence to support the charges, or the claims of misbehavior at the motel. In addition to an investigation by the state police, the District Attorney's office in Onondaga County is also looking into the charges.

Avis tries harder, gets results with auto-theft prevention plan

The Avis Rent A Car System has launched an intensive crime prevention program to reduce auto thefts, and company officials say preliminary results indicate that the program has resulted in fewer thefts and more recoveries.

Although Avis officials would not disclose all aspects of the prevention program for security reasons, one element is a component parts identification system that is now being tested in Cleveland, Cincinnati, Detroit, Louisville and Chicago. In those cities, identification numbers are stenciled in at least 18 places on each car.

Lieut. Rick McQuown of the Kentucky State Police, who coordinates the program, said it "has proven that marking component parts of vehicles has a definite deterrent effect on vehicle theft. Having marked over 75,000 cars in Kentucky, only one has been lost, compared to the national average of one out of a hundred."

Ron Van Raalte, security manager for the Avis region where the program is being tested, said, "Auto theft is a problem endemic to the car rental industry. . . . The average consumer thinks that com-

pany losses are no big deal because we merely write them off on our insurance policies. But they are wrong. Losses from auto crime and theft are big deals and somebody has to pay for them."

NJ county force gives officers the ail-clear on warning shots

A policy reversal in Middlesex County, N.J., now allows police officers to fire warning shots in situations that would otherwise warrant the use of deadly force.

Middlesex County prosecutor Alan A. Rockoff rescinded an order in effect since 1978 that forbade police officers to fire warning shots under any circumstances. He said the new policy gives officers "the discretion to defuse a situation" by firing a warning shot rather than "shooting to kill or maim."

He said officers are permitted only one warning shot and can fire the warning shot only in situations in which deadly force is allowed and in which third parties are not in danger.

Rockoff told The Newark Star-Ledger that the rule is designed to "protect the public. It's not for the protection of the police officer as it is for the protection of the perpetrator of a crime."

The new policy has the support of the Middlesex County Chiefs of Police Association, which will monitor the use of warning shots for six months to make sure, in one member's words, that they don't "become the rule instead of the exception."

DC chief defends choice of brand in body-armor purchase

Police officials in Washington, D.C., maintain that their choice of a bullet-proof vest model is sound, despite recent reports by one television news program that questioned the choice.

When the city decided to buy bullet-proof vests for its 3,600 police officers, Metropolitan Police Chief Maurice Turner chose a 20-layer vest designed by the Point Blank Body Armor, Inc.

Last month, as the department moved to purchase the vests, a reporter for WJLA-TV broadcast a series of reports

claiming that a rival manufacturer could provide a vest that was more effective, cheaper and lighter. He alleged that the police department had been negligent in its contracting process.

The reporter, Paul Barry, said a test of the two vests showed that the Point Blank vest failed to stop a round of 9mm ammunition, while a vest manufactured by American Body Armor stopped it.

But police officials said the American Body Armor representative misled the reporter by providing a vest equipped with 26 layers of Kevlar, rather than the 17-layer vest submitted to the department during the selection process.

Gary Hankins, chairman of the Fraternal Order of Police labor committee, said his group supports the chief's decision, adding that a 26-layer vest would be too heavy for humid Washington summers. The Point Blank vest is the "Philadelphia model," which allows 10 layers to be removed for wear in hot weather.

The vests will cost the department about \$650,000. A grant of \$250,000 for purchase of vests was made by the City Council and the rest was raised by the FOP.

Missouri 7-11 stores become police stations in new program

Missouri stores in the 7-Eleven chain will soon become "police substations" as part of a program to help victims and witnesses report crimes.

About 200 7-Eleven stores will become "McGruff Houses" under the program. Crime victims and witnesses will be encouraged to go to the nearest 7-Eleven store when they need help, and trained employees at the store will calm the victim and summon authorities.

"When people see the 7-Eleven McGruff House sign, we want them to know immediately that this is a place where they can find help in making an emergency call," said Clyde L. Tinsley, manager of the St. Louis area 7-Eleven stores.

George Krelo, executive director of the Missouri Police Chiefs Association and the retired police chief of Bridgeton, announced the program.

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Sharp shooting

In the photos above, taken from exclusive videotape footage made by WDSU-TV in New Orleans, a gunman holding a large pistol escapes with a hostage after robbing a bank in St. Rose on October 24. In the lower of the two photos, a sharpshooter's bullet smashes into the side of the gunman's face, killing him. His hostage, a bank teller identified as Beverly Petrolia, is seen at right being comforted by a Tangipahoa Parish deputy sheriff after the ordeal ended. She was treated for a bruised arm.

Wide World Photos



DoJ's 'conservative' estimate:

35 random killers at large

In one of the first steps towards combatting the problem of tracking random killers, the Justice Department has released the results of preliminary research into the problem — and estimates that 35 serial murderers may be on the loose.

The research was part of a \$2.9 million grant the Justice Department recently awarded to set up a computer-based tracking system that will help apprehend such killers, called the Violent Criminal Apprehension Program. Those involved in setting up the system say the computers probably will be based at the FBI training center in Quantico, Va., and will be operated much like the National Crime Information Center system.

Robert O. Heck of the Office of Juvenile Justice and Delinquency Prevention said early surveys into the problem of serial crime were based on interviews with convicted serial killers and reviews of unsolved cases. He said the estimate of 35 is "conservative."

Justice Department officials defined the serial murderer as one who kills for reasons other than greed, a fight, jealousy or family disputes and, unlike mass murderers, kills at different times and locations, such as Charles Starkweather, who went on a killing spree in Nebraska and Wyoming in 1957, and John Wayne Gacy, who was convicted of killing boys in his Chicago home.

A current case of serial murders involving a pair of homicidal drifters may turn out to be the worst in modern times, law enforcement officials say. Ottis Elwood Toole, 36, and Henry Lee Lucas, 47, have claimed responsibility for killing 165 people between the two of them, and authorities say they eventually may be charged with 97 murders in 13 states.

Roger L. Depue, chief of the behavioral science unit at the FBI academy, said interviews with about 40 convicted serial killers have helped researchers develop four general behavioral types that the

Continued on Page 12

McGuire says the facts absolve NYPD in claims of police brutality

New York City Police Commissioner Robert J. McGuire has issued a 95-page rebuttal of allegations of police brutality that were raised at a Congressional hearing in September.

In releasing the report, McGuire said Representative John Conyers Jr., who conducted the hearing, owed the city and the police department an apology.

"When examined collectively and objectively, the record on even this limited number of incidents provides no indication that endemic or pervasive patterns of police brutality or racial bigotry exist in the New York City Police Department," he said.

McGuire said a case-by-case review of the allegations made during the hearing found "no cases of proven brutality."

The police department breakdown of the 98 cases of alleged brutality toward minorities over a 25-year period showed that one officer had been fired from the force, after being acquitted for reasons of insanity in the 1976 killing of a black teenager. In five cases where civil suits were brought against the department, damages were collected.

The report also said that of the 98 cases, five were outside New York City and didn't involve New York City police; 19 occurred before the department's deadly force policy was revised in 1973 and nine involved officers and com-

plainants of the same race.

Of the 52 cases since Mayor Edward Koch took office in 1978, 25 resulted in the death of the suspect, the report said. Of those, 21 involved threats to the officers' lives and weapons were recovered in 18 of those cases.

But McGuire's report did not satisfy all the critics. The Rev. Calvin Butts, one of the civic leaders who had requested the Congressional hearing, said, "Whenever you have police policing police, you will always get this kind of conclusion."

An assistant to Conyers said the representative was to hold another hearing into brutality charges in the New York borough of Brooklyn November 14.

"We definitely concluded that brutality is widespread, not just in New York," the aide said.

After the report was released, The New York Times examined the 1983 cases, interviewing complainants and their families. The newspaper said its investigation showed "one of the few points of agreement in the debate: that investigations can raise almost as many questions as answers."

It added, "A closer look at the cases points up the difficulties of interpreting motivations and exploring what provoked incidents that are often over in a matter of minutes, sometimes leaving on-

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Pittsburgh PD's psychological screening under fire

A member of the Pittsburgh City Council has proposed five changes in the way psychological evaluations for police officers are handled, after rejected applicants complained that the test was too hard.

Councilman Richard Givens recommended the changes after more than 30 would-be officers appeared at a hearing to protest the screening process. They said the psychological testing was used to reject half to two-thirds of the prospective officers and that they did not have adequate avenues of appeal.

Givens who said too many candidates were being rejected, introduced five resolutions to restructure the screening.

They would:

¶ Give the mayor and the head of the civil service commission power to "investigate and evaluate" the psychological testing program.

¶ Expand the police appeals board from three members to five, adding members appointed by the city council and the comptroller. All members are currently appointed by the mayor.

¶ Prohibit repeated testing by the same evaluator of candidates who applied for the department a second time. One applicant said she had applied for the department in 1979 and 1981 and each time found herself tested by the

same psychologist.

¶ Allow candidates who had been rejected because of psychological tests to remain eligible for subsequent academy classes.

¶ Reinstate as possible candidates applicants who have been rejected in the past.

Givens had challenged other city officials to take the psychological test to see if they could pass. He also objected to the fact that large numbers of Vietnam veterans were rejected as candidates.

"If all the police officers in Pittsburgh were administered this test, how many would we have?" Givens asked the city's

personnel director during one volatile City Council meeting.

"Is there something wrong with Vietnam veterans?" he asked.

Another council member, James O'Malley, also has introduced a resolution to change the screening process. O'Malley's proposal would create a separate appeals board to hear complaints arising from the psychological screening, consisting of a psychiatrist appointed by the mayor and two psychologists appointed by the council.

Linda Noska, an assistant to Givens, said his proposals probably would be considered by the full council this month.

Veteran cop Ben Ward named to top NYPD post

Continued from Page 1

chosen because he is black. "Is it helpful that he's black? He is black, no question about that. And if it's helpful, isn't that nice?"

Ward — who once had served as police commissioner for a day when he won a citywide essay contest in high school — said his top priority will be "keeping peace in this town."

He said, "Many people make the mistake of thinking that black people are liberal because they are black. I'm very, very liberal when it comes to race relations, but when it comes to law enforcement, I am very, very conservative. I certainly believe the bad guys belong in jail."

He said he will not tolerate brutality, and will fight the public perceptions of police by getting the public more involved in policing.

"We need to put some of the good guys on our side so that when the bad guys say 'police brutality' the good guys will be able to say, 'I've been out there with the police and I know what they do.'"

As corrections commissioner, Ward has in recent weeks overseen the release of more than 400 prisoners ordered by a Federal judge because of overcrowding in the city's jails, which hold more than



New York Mayor Ed Koch presents his choice for police commissioner, Benjamin Ward, at a City Hall ceremony.

10,000 inmates.

Ward may face some lingering resentment from the New York Patrolmen's Benevolent Association stemming from a 1972 incident when he was deputy police commissioner for community affairs.

In that incident, two officers were called to a mosque operated by Black Muslims and one was shot during a scuffle inside.

Officers sealed off the building and questioned those inside as an angry crowd gathered outside. After several hours, white officers were removed and the people inside were released.

The wounded officer later died, and two men charged with the shooting were released after a grand jury found that the release of witnesses in the mosque damaged the case.

The PBA accused Ward of releasing the witnesses, although he has maintained that he did so on orders from superiors.

During his tenure with the police department, Ward also served as juvenile aide specialist, detective, trial counsel in charge of departmental prosecutions, legal adviser to the commissioner, head of the civilian review board and deputy commissioner for trials.

People & Places

Brzeczek off and running as Rice waits

Former Chicago Police Superintendent Richard Brzeczek has announced that he will be a candidate for Cook County state's attorney.

Brzeczek, a political ally of former mayor Jane Byrne, stepped down when Mayor Harold Washington took office in April, resuming his career as an attorney with the Chicago law firm of Levy & Erens. He had served the department since 1964, with three years as superintendent.

Meanwhile, the man Washington appointed to replace Brzeczek, Fred Rice Jr., has been through the longest confirmation hearings in a decade and at press time was still awaiting confirmation.

Rice, 56, started his tenure as police superintendent in the midst of controversy, with Washington threatening to lay

off police if the City Council would not amend the budget.

Since then, he has surprised many Chicagoans by saying he'd approve of legalized casino gambling in the city if it were "rigidly controlled," angered city officials who had been protected by bodyguards when he reassigned the guards to other duty, and upset others by reassigning sanitation police to street duty.

Stepping up

Howard Abadinsky, an inspector with the Cook County, Ill., Sheriff's Department, has been named a special assistant to the Chief of the Courts Division.

Abadinsky began working as a deputy sheriff during the summer of 1982 to get a firsthand look at the Cook County criminal justice system. He is also an associate professor of criminal justice at Saint Xavier College.

A former parole officer in New York, Abadinsky is currently writing a book on the use of discretion in law enforcement.

Allegheny firsts

The Allegheny County Sheriff's Office has its first female sergeant. In fact, it has two of them.

Sheriff Eugene Coon promoted deputy sheriffs Pauline M. Lesic and Emily A. Mazza to sergeant last month, making them the first women to achieve a rank higher than deputy in the department's 194-year history.

Lesic said she and Mazza started out together in the criminal records section. "We never thought we'd make deputy," she told the Pittsburgh Post-Gazette. She will remain in Juvenile Court. Mazza will be the sergeant in charge of services.

Also promoted were James Micarek and Donald Ferraro, to sergeant, and Warren D. Fitzroy, to lieutenant.

City manager quits

The city manager of Springfield, Ohio, who last year suspended a policewoman for posing nude in Playboy magazine, has resigned after being questioned by police for allegedly picking up a prostitute in nearby Dayton.

Thomas Bay, 51, was stopped by plainclothes officers after he picked up a 28-year-old woman who was later charged with loitering to solicit, a third-degree misdemeanor, according to a police report. Bay was not arrested in the October 14 incident.

Last year, Bay had suspended the former Barbara Schantz of the Springfield police after she posed for an eight-page pictorial in Playboy. Schantz was reinstated to the force after serving a 37-day suspension, and later married a fellow officer, James Buffington.

In his resignation letter to Mayor Roger Baker, Bay said he was doing "the only honorable thing."

"Private persons can stumble many times," Bay said. "In public life, you stumble once and that's it."



Second-time around

Erica Bouza, the wife of Minneapolis police chief Anthony Bouza, receives an identifying number from a police officer after she was arrested on trespass charges October 24 at Honeywell Inc. Mrs. Bouza, who had been arrested earlier this year in a similar demonstration at Honeywell, was one of some 370 people arrested during a protest against the company's production of defense materials.

Wide World Photos

= SUPREME COURT BRIEFS =

By AVERY ELI OKIN



During the first six weeks of the October 1983 Supreme Court term, the Court sandwiched a two-week recess in between two oral argument sessions. While the Court was tending to the beginning-of-the-term routine, two State Supreme Courts, acting independently of each other, each announced a landmark decision in the rapidly evolving field of police liability for on-the-job acts.

The reporting of cases in the area of civil liability of police officers for work-related acts is a very recent development. Up until the last several years, police officers and other public officials enjoyed either complete or partial immunity for acts committed in the line of duty under the doctrine of sovereign immunity. Recently, however, several jurisdictions have chipped away at the doctrine and subjected police officers to civil suits in a very narrow area.

In those jurisdictions that have sought to get away from the well-entrenched sovereign immunity doctrine, the state courts have ruled that a police department may be civilly liable to a wronged resident citizen where there existed some "special duty" between the department and the aggrieved citizen.

One of the cases reviewed below utilized the "special duty" theory to find that a local police department in Washington may be liable for its failure to respond to a call for police assistance.

The other case is much more novel in that a state supreme court found that civil liability may exist against a particular police officer for his failure to effect an arrest. (A copy of the opinion in that case was graciously supplied by staff reporter John E. Riley of The National Law Journal, who first reported the decision on October 24, 1983.) An analysis of those two decisions follows.

Liability of Individual Police Officers

In a 5-to-2 decision, the Supreme Court of the State of Oregon held that a police officer may be civilly liable to a victim when the officer failed to make an arrest as required under that state's Abuse

'A police department may be civilly liable to a wronged citizen where there exists some special duty toward the aggrieved citizen.'

Prevention Act.

The Abuse Prevention Act was enacted by the Legislative Assembly to "strengthen legal protection for persons threatened with assault by a present or former spouse or a cohabitant" (1977 Oregon Laws chapter 845). To accomplish this goal the state assembly provided for the use of temporary restraining orders, jurisdictions, and temporary child custody orders. And, to put real bite into the statute, the Legislative Assembly enacted "mandatory provisions for the warrantless arrest upon probable cause of a person believed to have violated such an order" (Oregon Revised Statutes 133.310 (3)).

The present case arose when the plaintiff was separated from her husband in November 1979, retaining custody of two infant children. On April 16, 1980, the husband entered the plaintiff's home without her permission and assaulted her. Following the assault the plaintiff summoned the City of St. Helens police department, which sent an officer who arrested the husband.

The next day, pursuant to the statute, a circuit court issued a restraining order to prevent the husband from molesting the plaintiff and her children. The husband received a copy of the order, and the police department of the City of St. Helens received its own copy, along with proof that the husband had been served with the order.

On May 12 and 13, the husband violated the court order and went to the plaintiff's home, where he damaged the premises and sought to remove the two children. A police officer was called to the scene after the husband left. The officer refused to arrest the husband on the ground that the officer had not personally seen the husband on the plaintiff's premises.

On three separate occasions later in that month, the husband returned to the premises, and on the last occasion

assaulted a friend of the plaintiff. The plaintiff contacted two police officers who promised to arrest the husband because it was his second offense.

The arrest was never made, and two days later, on May 29, the husband made a death threat against the plaintiff's friend. The death threat was repeated on June 1 and the husband assaulted the friend.

The plaintiff then brought an action against the police department and the two individual officers who had failed to arrest the husband, seeking monetary damages for "severe emotional distress and physical injuries" for herself and the "acute emotional distress" of the infant children.

Interposed as the defense on behalf of the police department and the individual officers were the affirmative defenses of immunity and the police officer's discretion of choosing whether or not to make a valid arrest. The officers and police department convinced the lower Oregon courts that they were not liable to the plaintiff, and this appeal resulted.

The Supreme Court of the State of Oregon rejected the defenses offered by the officers and the police department. Looking to the mandatory language of the statute, the state's highest court ruled that police officers had no discretion to refuse to make an arrest under the Abuse Prevention Act. Justice Hans Linde, writing for the five-member court majority, noted that the wording of the statute created a "specific duty" of the police to act "for the benefit of individuals previously identified by

judicial order."

Based on that legal reasoning, the Oregon Supreme Court ordered the case referred back to the lower court for further proceedings.

While the ruling has legal effect only in the state of Oregon, the decision was implications nationwide. The statute in this case required the police officers to act in a prescribed way. No discretion was allowed and the Oregon high court in effect articulated the novel rule of law that a police officer may be held civilly liable when he or she fails to take required action.

The Oregon statute regarding mandatory police action remains the exception rather than the rule. However, as more state legislatures come to recognize the tremendous problem inherent in domestic disputes, there may be an impetus for laws requiring specific types of police action.

One saving provision in this decision was the fact that the Oregon court did not create an "absolute liability" for police officers who fail to abide by legislation requiring mandatory police action. Rather, Justice Linde wisely noted that there are at least three situations where a police officer sued under a mandatory police action statute could defend himself. Those defenses are:

¶ Where the police officer "made a good faith effort to perform" under the statute;

¶ Where the police officer was prevented from acting by a factual obstacle and,

¶ Where the police officer is prevented from acting by a legal obstacle, such as "for failing to make an unconstitutional arrest."

Viewed from the standpoint that the Oregon high court majority recognized these three defenses as valid in a civil action brought against a police officer, the present decision may not severely affect

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800G judgment awarded in 911 bungling in upstate NY

In 1976, 28-year-old Amalia DeLong was in her suburban Buffalo home when she heard a burglar trying to break in. She called the 911 emergency number and was told police would be dispatched "right away."

The police never came, and DeLong was stabbed to death by the intruder.

This month, New York State's highest court ruled that the city of Buffalo and Erie County, which operate a joint emergency telephone line, should pay an \$800,000 award to the woman's family for mishandling the 911 telephone call.

The unanimous decision of the Court of Appeals said that since DeLong lived just 1,300 feet from the Kenmore Police Department, in whose jurisdiction she lived, and knew the burglar was still outside when she called, "it cannot be said as a matter of law that this assurance played no part in her decision to remain in her home and not seek other assistance.

Unfortunately, it only increased the risk to her life."

The city and county had argued that a municipality cannot be held liable for negligence in performance of a governmental function. They said the failure to respond to DeLong's call was due to mishandling by a dispatcher, who routed the call to Buffalo police rather than Kenmore. When Buffalo officers were unable to find the address, the dispatcher took no further action.

A lower court had awarded the victim's family \$200,000 for conscious pain and suffering and \$600,000 for wrongful death. After the Court of Appeals upheld that judgment, one official said it may threaten the existence of the 911 emergency number.

"We're very concerned whether we can afford 911 after this decision," said Carl Tronolone, an assistant corporation counsel in Buffalo.



Sense of identity

Detroit Police Officer Charles Meyers checks the identification cards of students at Henry Ford High School last month. Several violent incidents, including one death, at the school have led to stepped-up security for the city's 200,000-student school system, including the use of student ID cards.

Wide World Photos

On the trail of the 'cocaine cowboys'

"C₁₇H₂₁NO₄, a derivative of Erythroxylon coca, otherwise known as cocaine, coke, C, snow, blow, toot, leaf, flake, freeze, happy dust, nose candy, Peruvian lady, white girl, is a vegetable alkaloid derived from leaves of the coca plant."

This description by Time magazine staff writer Michael Demarest sounds

THE CJ MONITOR

By SLOAN T. LETMAN,
DAN EDWARDS & CAROL ADAMS

almost harmless in the way it is couched in scientific jargon and street parlance. But the use of the drug cocaine has been dramatically increasing in this country during the last two decades. Its use has transcended all social and economic classes. Yet although this drug has a long history of use, very little seems to be known about it.

Almost all of the cocaine in use today in the United States and Europe comes from the mountain areas of South America where it is grown. The governments of Peru and Bolivia tacitly prize the plant as a major cash crop and principal export. The raw coca leaves are soaked in a variety of chemicals and oil, yielding a muddy brown paste that is then purified into coca base. This dirty white, almost odorless substance is usually shipped to laboratories in Colombia for refining.

The process of shipment is controlled almost exclusively by Colombians; they process the drug and smuggle it across United States borders by boat or plane. Popular ports of entry for smugglers can be found in New York, Texas, California and Florida. According to one report, more than 80 percent of all cocaine seized worldwide is confiscated in Florida, yet by the most optimistic estimate, such seizures may account for no more than 10 percent of the total volume entering southern Florida.

Once the drug reaches the United States, it is distributed by a syndicate of grim professionals, many of them expatriated Cubans. The Colombians and Cubans are known as "cocaine cowboys" for the risks — sometimes fatal — that they willingly undergo in order to smuggle the drug and protect their racket. According to the Drug Enforcement Administration, there were 135 confirmed drug-related murders in Florida's Dade County in 1980. Most of those were connected with the cocaine trade.

These "cowboys" are becoming increasingly well-armed and use the best boats, planes, weapons and equipment that money can buy. They have been known to hire retired military personnel to oversee their operations. They have intelligence and counterintelligence systems, much like those of the Cosa Nostra; they trade tip-offs and kill squealers.

Economic considerations help to explain this widespread cocaine traffic. A kilo of 90 percent pure cocaine that costs \$4,000 in Bogota, the Colombian capital,

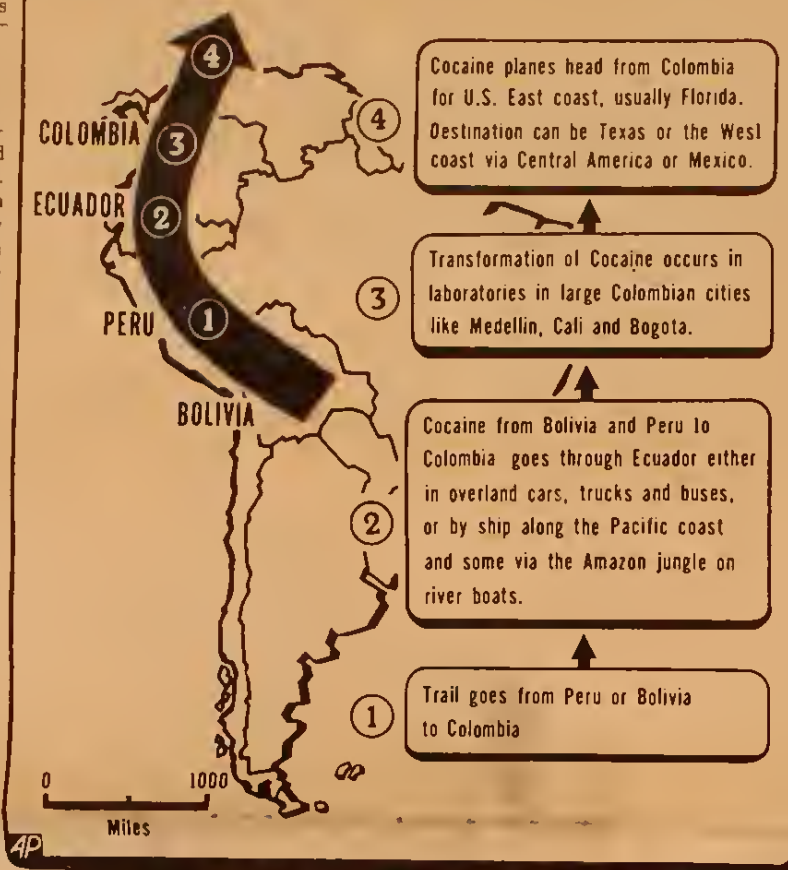
Creative scent-encing

The first-year of a community-service sentencing program for non-violent offenders in Rochester, N.Y., has sparked a streak of creativity among judges there.

One convicted drunken driver was sentenced to clean up the elephant cages at a local zoo. Although the offender took the bus to the zoo, he had to walk home afterwards. He was not allowed back on a bus after finishing his chores.

Behind closed doors, the drug of choice for the well-tailored

THE 'Cocaine Trail'



is soon worth \$60,000 to a buyer in New York City. After being adulterated by lactose or amphetamines, the original kilo is only 12 percent pure cocaine and now weighs 8 kilos, with a street value of \$500,000 or more.

The National Institute of Drug Abuse estimates that more than 2.5 million men between the ages of 20 and 30 have tried cocaine at least once — nearly 14 percent of the age group. Even the most conservative researchers estimate that 10 million Americans now use coke with some regularity, and another 5 million have probably experimented with it. The DEA predicts the opening of a new youth market that will be checked only by high cost, rather than availability.

Cocaine can be taken in a variety of ways. Usually, it is inhaled or snorted, but it is also injected intravenously, eaten or smoked. The circumstances in which it is taken and way it is taken can vary the effects of the drug.

In an effort to avoid the impurities of street coke, more people are turning to the process known as freebasing. The cocaine is mixed with an alkaline solution and boiled. The chemicals separate and the top layer is removed and the remaining liquid evaporated. The cocaine is then washed in a solvent and smoked in a water-pipe.

Freebasing provides a more intense high than snorting cocaine, but the effects do not last nearly as long. This method allows a highly concentrated dose to be absorbed into the bloodstream through the lungs, a faster route than the nasal membranes. The physical effects of this method are only now being investigated; however, psychophar-

macologist Ronald A. Siegel of the University of California warns that "freebasing turns a relatively safe drug into a menace."

Typically, the cocaine user stops taking the drug when he can no longer tolerate its effect, and goes back to using it again only when he feels he is well enough to be able to tolerate it. Withdrawal from heavy use produces symptoms that are a reaction to overuse of the drug rather than its absence. Even chronic use of the drug does not cause the nervous system to adapt, making the drug's presence in the body necessary for basic functions.



An agent of the Drug Enforcement Administration inventories 610 pounds of cocaine that were seized last year in Melville, N.Y. The haul, said to have an estimated street value of \$30 million, was described at the time as the largest cocaine seizure ever in the Northeast.

Wide World Photos

Charles Schuster, director of the Drug Abuse Research Center at the University of Chicago, says that people overlook cocaine's tremendous psychological effects. "One of cocaine's biggest dangers is that it diverts people from normal pursuits; it can entrap and redirect people's activities into an almost exclusive preoccupation with the drug." Even laboratory monkeys tested at the University of California were found to pass up food and sex in favor of a cocaine injection.

Cocaine, a powerful stimulant, is classified under current U.S. drug laws as a narcotic, although it is most similar in effect to amphetamines. The physical effects of cocaine are numerous. It raises the blood sugar level, causes dilation of the pupils, increases muscle tone, body temperature, blood pressure and heart-beat. It also curbs the appetite and improves attention, speed and reaction time. Users are more prone to overestimate their abilities than non-users.

However, cocaine does not improve a person's mental capacity, nor does it function as an aphrodisiac. In fact, sustained use of cocaine can often cause sexual dysfunction and impotence.

A degree of uncertainty about cocaine has contributed to a small-scale movement to revise the laws governing its use. Last March, the Fourth District Court in Illinois ruled that cocaine is not a narcotic and thus is misclassified under the Illinois criminal code. That decision is currently being appealed to the Supreme Court.

People use cocaine rather freely, at all levels of society, and this general attitude is reflected in the unwillingness of the courts to give heavy penalties for possession of the drug. Similarly, police may often ignore possession of small amounts of the drug. Perhaps most significantly, as Demarest noted in Time, "Unlike the stereotyped scruffy ghetto addict who turns to mugging or burglary to support his habit, the cocaine user may have a three-piece suit and a well-lined wallet, and probably does his sniffing indoors without becoming unruly or threatening anybody." Says a Cook County, Ill., lawman, "These people are not the dregs of society; they tend to be legitimate business people."

There is a general feeling among most users of cocaine that the applicable laws need revision. This renewed interest will at least serve to promote close scrutiny of existing laws, and in the future may possibly lead to revisions.

Police getting tougher in domestic violence cases

Continued from Page 1

In the Minneapolis study, Police Foundation researchers tested three responses to domestic violence calls: arrest, counseling and separation of the parties. They found that police were less likely to be called back to homes where arrests had been made.

The study showed that the recidivism rate for batterers who were arrested was 10 percent, compared to 17 percent for those who received counseling and 24 percent for those who were ordered to leave home for eight hours.

The Duluth experiment found that up to 70 percent of the arrested batterers were not arrested for abuse again.

Duluth adopted its mandatory arrest guidelines more than a year ago, and one official said the policy works.

"It seems to be very effective," said Butch Weegman, a community relations officer. "A person in a crisis situation is not in a good state to make decisions [about whether the abuser should be arrested.]"

Duluth officials and those in several nearby cities who adopted similar policies found mandatory arrest worked so well that they pushed for a statewide law mandating arrests in some cases.

But police chiefs from other jurisdictions fought the proposed law, saying it should be up to the officer whether an arrest should be made.

Those who support a more flexible arrest policy include the four police departments who took part in the demonstration project coordinated by PERF.

In those cities — Albuquerque, Memphis, Charleston and Newark — police were given several criteria for making arrests. Those criteria included such standards as whether police had been called to that address previously, whether there had been prior attempts to sever the relationship, and whether there was a pattern of repeated and menacing threats.

The PERF program also stressed safety for police officers, and hopes to reduce both injuries to officers and repeat calls in the four cities by 10 percent within the next year.

Part of the safety program was educating dispatchers who handle 911 emergency calls to classify domestic violence calls correctly. Loving said dis-

patchers often give domestic violence calls less serious classifications, such as family fight, which may not tell the officers whether a weapon is involved or other key information.

In Houston, the domestic violence policy was revamped by a task force of police officials and women's advocacy groups.

The new policy adheres to a change in Texas law that allows police to arrest abusers without a warrant, but also provides a two-part form for the abused partner.

Half of the form includes a list of shelters and counseling agencies that offer help for battered spouses and the officer's name and badge number for later reference.

The second part includes a statement swearing that the abused party called the police and asked them to arrest the batterer, a form designed to protect officers

from charges of false arrest if the abused person later decides not to press charges.

Margaret Hardman-Muye of the Houston crisis intervention team, who helped draft the new policy, said she hopes it is "the first step toward... a system where once the police are called, the woman no longer has any say in whether charges are filed or not."

In addition to the changes on the local and state levels, a bill now before Congress would set aside \$65 million for women's shelters over the next three years and \$6 million for the training of police in handling domestic violence.

The change in attitude toward domestic violence calls is due to pressure from women's advocacy groups and increased awareness of the problem by police officials, according to those who have worked to change policies.

Loving said police officers support pro-arrest policies because the policies "give

them the authority to do what they know needs to be done." She said most officers don't want to be required to counsel batterers. "They don't want to be social workers," she said.

Lawrence Sherman, who conducted the Minneapolis experiment, said the women's movement has caused "a general reconsideration of the position the criminal justice system has taken for some time to consider violence in the home less important" than other types of violence.

Weegman attributed the change to several factors, including higher education levels in most police departments and a greater sensitivity by police.

"That cool, detached image — the Joe Friday cop — has changed. There's more awareness of the duty to do more than enforce the law. Police have more awareness to be sensitive to people's feelings and emotions."

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Supreme Court OK's seizures under RICO law

The U.S. Supreme Court ruled on November 1 that the Federal Government may seize the illegal gains of persons convicted under a Federal anti-racketeering statute.

The unanimous decision upheld the forfeiture provision of the Racketeer Influenced and Corrupt Organizations Act (RICO). The law says that persons convicted under its provisions "shall forfeit to the United States any interest he has acquired or maintained" by violating the law.

In affirming a ruling by the Court of Appeals for the Fifth Circuit, the Supreme Court said that a person convicted in an arson-for-hire scheme could be required to turn over fraudulently obtained insurance payments.

The Court broadly interpreted the scope of the interest to be forfeited, rejecting contentions that insurance proceeds are not themselves an "interest" in an illegal enterprise.

Filling out the ranks

An interview with Adam Walinsky, co-developer of 'The New Police Corps'

"During an era of unprecedented criminality, not a single new idea for policing cities has been proposed."

With that premise as a lynchpin, a proposed new idea for urban policing was issued in August 1982 by a six-member group headed by New York attorney Adam Walinsky and Jonathan Rubinstein, the author and researcher. The proposal, called "The New Police Corps," addressed itself to the neglected issue of police manpower in New York State and City.

In essence, the New Police Corps would offer fully-paid college educations to thousands of young Americans in exchange for a commitment to serve for three years after graduation as sworn police officers. In this fashion, the Corps's proponents suggested, New York State would be able to add 30,000 extra officers, drawn from the ranks of "the most committed and qualified young men and women," to redress an imbalance in the ratio of sworn officers to reported violent crimes. At the same time, Walinsky and his colleagues maintain that the program would dramatically change the recruiting base from which law enforcement personnel are drawn and free localities from the financial burden of adding vast numbers of permanent career-track police officers.

The program, which is modeled after elements of both the Reserve Officers Training Corps and the Peace Corps, would cost an estimated \$600 million a year once running at full steam — an expenditure that Walinsky contends "we can't afford not to make." Members of the Police Corps would be paid

State Police salaries, or about \$7,000 less than what a New York City police officer earns.

The level of interest in the Police Corps concept has built to the point where both New York and California have held legislative hearings on the proposal, and a number of other states are reportedly considering it. Further, the National Institute of Justice recently awarded a \$328,000 grant to study implementation of the Police Corps idea in six states.

Not all of the reviews have been favorable, but the scope of the positive reaction, from such sources as *The New York Times*, serves to bolster Walinsky's unabashed enthusiasm for the Police Corps. He has criss-crossed the country several times to sing the praises of the concept, and even displays on his office coffee table a scale-model police car emblazoned with the words "Police Corps."

Walinsky, a former chairman of the New York State Commission of Investigation, hewed his interest in criminal justice issues and programs that involve American young people during his days as an aide to the late Senator Robert F. Kennedy. It is that experience to which he harkens back when he admits that the name of his program was chosen "to suggest echoes of the Peace Corps."

"There's no question that we want to draw on that same strain of idealism and service to the country," he says with a sense of pride.

(This interview was conducted for Law Enforcement News by Peter Dodenhoff.)

'I'm horrified by the notion that anybody can be a police officer. A police officer can deprive you of your life or your liberty in a fraction of a second. How can we have anybody there that touches the mediocre?'

so-called bottom half aren't really very well qualified to become police officers. Some of them are. But one of the things we think we're going to do is make it possible for many people who, because of economic circumstances, now can't get that education to do so. We would be making it possible for them to go to school. But at the same time, what we're doing is making it possible for the police department to attract the very cream of America's young people. Those are the people that we believe, by saying to them that we only want your time for three years and we're prepared to give you this education toward it, we're going to be able to attract.

Clearing the Civil Service hurdle

LEN: The proposal notes in a number of instances the idea that this is not to be a career proposition, but rather more like an army enlistment for three years. What would happen if someone who had been in the Police Corps decided that he or she wanted to continue in policing?

WALINSKY: What they do is, they can't stay in the Police Corps, because that's a three-year term — and they wouldn't want to, because if you want a career in policing, then the logical, reasonable thing to do is apply for admission as a career officer.

LEN: Through normal Civil Service channels?

WALINSKY: Whatever channels the state or municipality sets up. Now, in fact, what would happen — as you know, there's tremendous competition in this country for the good police officer, and those who had three years' experience in the Police Corps would be tremendously desirable. So we think that they could be hired by almost any police department in the country — almost any department would be delighted to have them. Before doing that they'd have what I suppose is a three-year probation, because it would be up to the department at the end of those three years as to whether to take them on permanently.

LEN: And this would not violate Civil Service requirements?

WALINSKY: Remember that, at least in our plan in the way that we've proposed it here, these people would have to pass all of the regular qualifications that any police officer does, would have to go through training that's even more rigorous than the training that's provided in virtually any American jurisdiction, would have to pass all of the applicable Civil Service tests with at least as high a grade as officers appointed through the regular career channels.

LEN: So in effect you're saying that the individuals in the Police Corps program are, for all intents and purposes, "on the list," as it were, and could be appointed to a career position without violating Civil Service standards?

WALINSKY: That's up to each state as it would enact the legislation; they could do it whichever way they wanted. But certainly it would make sense to do it in such a way that since they will already have passed those tests, you would think that the departments and the states would want to make it easy, since they'll have

LAW ENFORCEMENT NEWS: For openers, could you go into some of the details as to the genesis of the New Police Corps concept?

WALINSKY: The genesis is a fairly simple one. As I'm sure you remember, in the last political campaign, there was a great deal of debate about crime. The only word that we could use for it is puerile. To be arguing that the problems of security are going to be solved by whether or not we have a death penalty just struck us as ludicrous.

So we sat down to try and figure out what a serious position for the public debate would be. There were two great things that struck us. One was James Q. Wilson's article "Broken Windows," which I really regard as seminal. The other was the dramatic change in the ratio of police to violent crimes in this country over the last 30 years. We have gone from better than a 3:1 ratio of sworn officers to violent crimes to a ratio of one sworn officer for every two violent crimes committed. In other words, in effect we have reduced the police manpower to one-sixth of what it had been 30 years ago. That's one of those facts that not only illuminates an argument, it ends it.

LEN: This is notwithstanding the notion, as some would argue, that police manpower is not in and of itself all that's required to bring about a downturn in crime?

WALINSKY: It is unquestionably true that to have an effective, decent society requires more than police. The question is what is the major missing element today, and in our view the police are the indispensable building block. They are the element that has been most short-changed, most neglected, least understood, and is where there's been demonstrably the least effort. So while we didn't and don't purport to solve, in any sense of that word, the crime problem in the United States, what we're saying is that this is the place where we have to start.

LEN: What is built into the proposal as far as a selection or weeding-out process is concerned, so as to assure some measure of quality control over the recruits you obtain?

WALINSKY: To start with, we believe, and what we've seen so far certainly suggests, that these scholarships would be very highly prized, that there will be many more applicants for them than any state or locality is going to have the resources for. . .

LEN: So it will be competitive in terms of college en-

trance?

WALINSKY: No question about it, and in terms of admission to the program. You don't hand out benefits like this on other than a competitive basis. We would be looking to attract the very best people.

I'm always bemused by the notion — and it's more than bemused; actually I'm horrified — by the notion that sort of anybody can be a police officer. A few years ago, someone proposed that someone should be confirmed as a Justice of the Supreme Court of the United States on the ground that the mediocre also deserve representation. But we don't often reflect that before a Justice of the Supreme Court can take your life, your liberty or your property, he has to read papers prepared by the most skilled advocates, he has to listen to extensive oral arguments, he works with his law clerks, who are the elite graduates of the very best law schools. Then at the end of this process, which can take months, he has to get a majority of the Court. A police officer can deprive you of your life or your liberty in a fraction of a second, and he has to do it without anybody else there to supervise or to consult with. It's just a snap, split-second decision. How can we have anybody there that touches the mediocre?

LEN: Are you suggesting that policing, as it stands today, is perhaps infected with mediocrity to a greater degree than it should be?

WALINSKY: You talk to police commanders and it's a reality that many of them are very dissatisfied with the quality of recruits. This has always been a problem, but I think it's sharper now in many ways because of the recruiting pool. You see, you've got to remember, only 20 or 25 years ago in this country, if you took the top fifth of all American high school graduates, only a third went on to college — which meant that a very substantial majority of the very top people in the country were available for jobs like the police. That isn't true anymore. We now have 48 percent, roughly, of high school graduates going on to some form of higher education, and most of those people are lost insofar as police or law enforcement or anything like that is concerned. So we have, in fact, restricted ourselves now from, on the one hand, 25 years ago, where we were in a situation where we could reach a large number of the top young people in the country, to where we're now basically restricting police recruiting to the bottom half.

Now that isn't to say that many people who are in that

New Police Corps' concept

completed all of the formalities, to just move them over and continue on the regular career track.

All there in black and white

LEN: Another notion that, like Civil Service, seems to stand at odds with the Police Corps is affirmative action, since so many departments are facing the close scrutiny of the Justice Department or the courts for their hiring policies.

WALINSKY: We don't believe there's any conflict at all. Indeed, we believe that many of those who will see the Police Corps as an attractive proposition and who will sign up for it at the beginning are minorities.

This is the first year since 1975 that black admissions and matriculations at colleges are down from the year before. There has been a serious economic squeeze on many minorities, with cutbacks in student aid and the increasing cost of an education, and yet we know that these are people who very badly want an education to progress. We believe that the prospect of the chance for a fully paid education, plus a worthwhile job at the end of that education, is in fact going to attract very large numbers of minorities — and it should. So we don't think that we're going to be in violation of any guidelines. This program, properly run, in fact will tend to increase integration in police departments, and in addition, will do so with applicants for whom it will not be necessary to waive any of the traditional tests. In other words, we believe that we're going to produce the most for the departments, the most highly qualified minorities that they've ever been able to attract.

LEN: Police Chief Lee Brown of Houston has reportedly expressed some reservations about the program based on what he sees as it being a detriment to affirmative action. His contention, as I understand it, is that it would foster a white, elitist college-kid Police Corps, rather than affording all the benefits that you say would accrue to minorities. How would you size that up?

WALINSKY: We've spoken to Chief Brown about this before, and we'll be speaking to him about it again. I'm aware of his concern, and I think it's a legitimate concern. I'm sure he doesn't mean — and I would be very bothered if I thought he did mean — that we should continue the present pattern of recruiting, in which many applicants, both black and white, are below the standards that have prevailed historically and below the standards that we believe are necessary for police officers. Our effort is absolutely not to exclude minorities; indeed, what we hope to do is to greatly increase the numbers of minorities in program jurisdictions so that we do get something closer to conformity with the population. But we also want to make sure that those people are all thoroughly qualified to be police officers, and to be as good as we can possibly get them.

So I don't think we're going to end up with a problem with Chief Brown. Rather, I would put that in the category of a legitimate concern that ought to be met. He is right to raise the question, to remind us all that it would be ridiculous and a disaster, under any program, to go back to the situation in which we had all white police forces, or almost all white police forces trying to police minority communities. Nobody wants that. So we're glad that he's raising that concern, but we don't have any doubt that we can satisfy it.

LEN: Are there any hidden costs built into the funding projections of the program? For example, if you were to add 30,000 Police Corps members to various municipal departments around New York State, wouldn't that presuppose the addition of a vast number of supervisory personnel as well?

WALINSKY: Well, of course you need supervisors. They're going to come out of the existing career ranks. That's what the career force is going to have to do, and that's going to mean, among other things, a lot of promotions in those career ranks — which in our view is all to the good, because there are a lot of talented people out there whose way to promotions has been blocked by the cutbacks in existing manpower. We're looking forward to the prospects of seeing those people get greater professional advancement, success and fulfillment. That will cost money, because it costs money to promote somebody from a patrolman to a sergeant, or a sergeant

to a lieutenant, or a lieutenant to a captain. The New York Police Department did a study and I think they figured out that if they got the full complement of 20,000 additional Police Corps people in the City of New York, it would mean that they would have to create something like 3,247 new sergeants, lieutenants and captains. Fine. Of course that will cost money.

I think nobody should blink at the fact that this program will be expensive. Now, it's going to be a lot cheaper, without any doubt, far cheaper than just expanding our police forces in the traditional pattern. The total cost, even including the full cost of the education — depending on circumstances when the actual plan is adopted — need not be more than 60 to 70 percent of what it now costs to pay for the average serving officer for a period of three years. However, we're still talking about major expansions in manpower, plus obviously, the cost of the education. So the program's going to cost money; I don't think there's any doubt about that.

I don't think there's anybody who wouldn't feel that the increase in public peace and security and order and safety, which we see from an expenditure of this kind, is worth it. And I think that the kind of response we've had, whether in the press or from citizens or from public officials of any kind, supports that. People are properly concerned to watch the cost, but nobody has said to us that this is just something we ought to forget because it can't be afforded. What people have said is, look, we've got to work at this, we've got to make sure we can afford this, and that we develop and finance it properly. But nobody has said we can't do this, because I think everybody recognizes that this is an expenditure we can't afford not to make.

'Nobody should blink at the fact that this will be expensive. But I think everybody recognizes that it's an expenditure we can't afford not to make.'

Now, one of the things that we're going to be doing for the Justice Department in the course of this study that's going to be made over the next six months is precisely evaluating the capability of the various states to finance this program.

LEN: What sort of funding has the National Institute of Justice awarded for the study?

WALINSKY: The last number I saw was \$328,000, to study implementation in a group of selected states.

Surveying the landscape

LEN: Where are you going to be testing the implementation of the Police Corps?

WALINSKY: New York, California, Florida, Texas, Massachusetts, Pennsylvania and New Jersey. What happened was, originally Justice suggested New York, California, Florida and Texas. What then happened was that the governor of Massachusetts, supported by members of that state's Congressional delegation, requested from Justice that Massachusetts be included in the study. The governor of New Jersey did the same thing. The attorney general of Pennsylvania took the lead on behalf of that state and got Pennsylvania shoe-horned in. So those states are in it by their own request, so of course they're more likely to be making more progress, given that they started with the interest. So far as the other states are concerned, the original group, New York, of course, is home and we've been doing some work here. California has jumped ahead very much on its own, and although we haven't been down personally to Florida yet, our understanding from the people down there is that it's been under very active study and consideration by the governor's office and the Department of Law Enforcement.

LEN: You say California has jumped ahead on its own. What type of backing does the proposal have there?

WALINSKY: Those who have taken the lead are, in the Assembly, Speaker Willie Brown and Assemblyman Tom Hayden, both of whom, of course, are regarded as very, very liberal and perhaps are not thought of as being leaders in law enforcement issues. They have been

very active, going around the state stimulating interest.

In addition, Senator Robert Presley, who is perhaps the leading law enforcement legislator in the state and is a former undersheriff of Riverside, has been very interested and is helping us in a variety of ways. So that kind of spans the spectrum.

LEN: Is there some sort of battle plan as far as where the initial emphasis is going to be for adoption of the plan?

WALINSKY: Basically — and this is a very important factor — we don't run it or control it. This is a matter for the political, law enforcement, educational and civic leaders of all of these states. I can't formulate a battle plan, because these people have their own direction, their own sense. We're sure that it's going to be adapted different ways to the circumstances in different states and localities. Take just the simplest part of it, for example: the numbers. We proposed in New York to increase the total number of police officers in the state by about 60 percent. Our discussions in California so far lead us to believe that many authorities may regard a 30 percent increase in California as a target they would shoot for.

What it would be in other places yet, I have no idea.

On another level, we have proposed in New York having the organizing body be the New York State Police, even though all of the service would, in fact, be local and controlled by the local municipalities and their police departments. In other states that have a different tradition or organization of policing responsibilities, that wouldn't be a natural agency. In Florida, it would probably be the Department of Law Enforcement. In California, it might be the POST commission. So there are just going to be all sorts of local variations.

LEN: I take it, then, that your proposal is flexible enough to be accommodated by just about any state law enforcement set-up you might find?

WALINSKY: Absolutely. If it is done, it has to be done that way. The tradition of local control of policing is something in which we totally and firmly believe. We believe that it's one of those unwritten parts of the Constitution that probably has done as much to safeguard American liberties as most of the written parts. It's absolutely central. We believe in it, and therefore we will do everything we can to help people adapt it to their local circumstances and their sense of how policing ought to work.

And they'll come up with a hundred different variants, I'm sure. What Joe McNamara decides to do with these people when he gets it in San Jose is probably going to be very different from the way Hubert Williams will use them in Newark or the way Tom Sardino will use them in Syracuse, or Del Leach in Rochester. That's going to be, if not totally different, then very, very different. And that's fine, because they have their own circumstances and problems.

New York's four-horse race

LEN: The Speaker of the New York State Assembly held a hearing on October 12 to address the merits of a number of police manpower proposals. Based on that hearing, what do you think of the chances of the Police Corps proposal being adopted?

WALINSKY: I think there was a positive response there. First, the thing that is most heartening about that meeting is that this represents a clear recognition on the part of at least some members of the Legislature that the state does have an obligation in this area. Up until now, as Speaker Stanley Fink said when he opened the meeting, it's always been the position of the state that police work is wholly a municipal charge, for which the state took no responsibility. I think the legislators are finally beginning to wake up to the fact that that's a distinction that makes no sense whatsoever, and that the state has to take a part.

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Walinsky: 'The vast majority of police training is like high school: go to class, go to gym, go home.'

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Number two, there was a very powerful statement by Dean Richard Bartlett of the Albany Law School, who was formerly the chief administrative judge of all New York State courts. Judge Bartlett said, in unmistakable terms, that the addition of major numbers of new police officers as we have proposed is the only way to deter crime and to increase security and safety on the streets. Everything that had been done with the court system and the penal code over these last 10 or 15 years was, in his words, tinkering. Now that's a very, very important statement from a very powerful and important interest group, and if the courts and judges generally can, as I believe Dean Bartlett will, take a lead in this area, that'll be a very important help to us.

LEN: What I'm getting at is whether you have gotten any clues from either the Legislature or Governor Cuomo's office that the Police Corps stands head and shoulders above any other existing proposal.

WALINSKY: I think we have certainly gotten the indication that this is the proposal that people are looking at, this is what's on the table, this is the thing that makes sense. In this state more than, perhaps, in California, they're still struggling with the cost question. We're hoping to make a very strong argument, obviously, that that's very overdone.

LEN: What about the other proposals that were brought up at that hearing?

WALINSKY: There were two others. One of them was a proposal by New York City Councilwoman Susan Alter to arm the police auxiliaries. That proposal was literally — and in my view properly — laughed at and ridiculed. Everybody at that meeting, and any place else, knows that however that may work in some places in the country, the idea that you're going to substitute armed volunteers, at best half-trained and wholly undisciplined, in the sense that they are not under the command of the police department or its political authority, for trained, sworn police officers is just ridiculous.

The other is a proposal by John Jay College of Criminal Justice to have a cadet program at John Jay College, under which people who were already on the Civil Service list would be given an opportunity to attend John Jay and earn some money during the summers for a few hours a week doing unsworn, unarmed, non-police jobs. So again, that's really an auxiliary proposal that doesn't put a single extra sworn officer on the streets.

LEN: As it was outlined, that proposal would have these people performing cadet functions while awaiting appointment to the regular career track. But apparently in your view of things, it doesn't have the same immediacy of impact.

WALINSKY: It doesn't do anything. First, it doesn't add new police officers on the street. Number two, it doesn't change at all the recruiting base for the police department, which is one of the things we're trying to do. It doesn't change that at all. It explicitly says that it's going to take all the candidates from existing Civil Service lists.

Number three, and this is the part I really don't understand about the proposal and it has apparently not been clarified by its proponents, is they're only going to attend school until they're appointed. People don't wait four years for appointment on New York Civil Service lists. So at best what they're talking about here is filling up a certain amount of time by tossing kids pre-appointment into John Jay, instead of them going out and getting other jobs, which is what most of them do now. So I think most people recognize that that doesn't in any sense constitute an alternative to the Police Corps.

LEN: At the Albany hearings, Congressman Biaggi also brought forward a plan to create a "superfund" of tax revenues to beef up the New York City Police Department in what I believe would be pretty much the traditional career-track manner. Any reactions to that one?

WALINSKY: That plan was first proposed about two and a half years ago, and so far as we can tell never went anywhere. So I don't see any reason to believe that that plan, which involves a great new special tax on the New



This New York City Police Department graduating class of 2,945, shown here at 1982 commencement exercise, would be one-tenth the size of the proposed Police Corps in New York State when at full strength. Wide World Photos

York City area, would in fact pass.

LEN: In New York City, Police Commissioner McGuire and president Phil Caruso of the New York City PBA are apparently both lining up in the camp of the Police Cadet program, as I understand it. In fact, Mr. Caruso was one of the co-proponents of the Police Cadet proposal. Does that throw some kind of monkey wrench into the machinery as far as the Police Corps's chances go?

WALINSKY: No, I don't believe it does. As far as Commissioner McGuire is concerned, he hasn't taken any public position as far as I'm aware and indeed, the position of the City of New York up to now, according to Mr. [John] Keenan, is that what we ought to do is try the Police Corps, not the cadet plan. The cadet plan, you have to understand, was tried in New York once before, and it was abandoned as not being cost-effective. But I don't think we regard ourselves as directly competitive with the cadet plan at all.

LEN: I'm looking at it more in terms of whether it would make things a lot simpler for the Police Corps if you had the strong backing of, number one, the chief executive of the police department and, number two, the head of the principal police labor group in New York City.

WALINSKY: I think there is an enormous, and in some sense overdone sensitivity to the feelings of the leadership of the PBA. We've been very successful working with the rank and file of the police department. . .

LEN: Not through union channels, I take it?

WALINSKY: Right. And I think in the long run that's what's going to tell. We have very strong encouragement and support from a lot of people associated with the union, but I think you've got to understand also that any police union is going to want to bargain, and has to bargain over this. They're going to want to get something from it and they have to get certain guarantees. They haven't seen those guarantees written into legislation yet. They're going to want to preserve their freedom of action before they endorse, they're going to want to see those guarantees and the other things that they need. So I'm not troubled with their waiting to get those. Our problem is not that the union has a veto, because it doesn't, or if they did that they would exercise it, because I don't believe that they would.

The state of the unions

LEN: How are police labor groups generally reacting to the proposal?

WALINSKY: What police labor is concerned about, and is rightfully concerned about, is that the Police Corps not be used as a device to enable municipalities to further cut down on their career force — which, of course, many of them would be tempted to do. And so, in the draft legislation that we've prepared to assist states in their consideration of this program, we've provided unequivocally that it has got to contain a provision that no municipality would be assigned Police Corps people for service unless it kept its existing career force at at least the same level of strength that it had before the Police Corps program was enacted. That has to be, because the career force is the continuity, is the core around which the Police Corps can be built. The Police Corps is not a substitute for a regular career force; it's a supplement,

and, we think, a vital supplement, but it can't be made a substitute.

LEN: Given the fact that you're talking about a three-year term for Police Corps members, and lopping off from that, for argument's sake, the five months of training at the end of one's college career. . .

WALINSKY: Stop there. It is precisely because we want these people to be able to hit the ground running, and not have to take the first five months of their three years for training, that what we've proposed is that they should give us two summers while they're in college for periods of very intensive training.

LEN: In a regular certified police academy program?

WALINSKY: No. We don't regard the present police academy training as adequate.

'Woefully inadequate' police training

LEN: Where are the shortcomings?

WALINSKY: Well, for one thing, we have met with literally hundreds of police officers at every level across the country in the past year, and have made over and over the flat statement that we regard present police training as woefully inadequate. We don't get any arguments, with rare exceptions. Here are some of the shortcomings that we would hope to remedy. First, we don't believe that it's intensive enough. The vast majority of police training is strictly a daytime operation; it's just like going to high school. They go to class, go to gym and go home. We would go over to a 24-hour-a-day, live-in training. I think the New York State Police do it that way, except that they go home on weekends. I don't know that we'd even want to do that.

You have to understand that one of the differences in police recruiting today, compared to some years ago, is that at one time at least 95 percent of all police recruits, maybe more, had been in the military. That was a very, very important thing, because, first, the military has been the greatest integrating institution that this country's ever had — racially, sectionally, along class lines. That experience doesn't exist any more for the vast majority of Americans. I think it's vital for police officers above all, because, after all, what else are we talking about with a police officer but the absolute necessity to be able to understand and, in the current parlance, relate to his fellow citizens regardless of race, creed, class, sex or whatever. So that's a tremendously important experience that the kind of training we're proposing would re-create.

Secondly, there are problems, basically, in that young people have to learn discipline and self-discipline, the ability to function in an organization like the police department. Again, that used to happen in the military. It doesn't now. For example, now we have this debate, much of which we regard as nonsense, about police brutality in New York. You see police commanders quoted repeatedly as saying, "Well, we have a lot of young people now, and they just act differently, they don't know how to act toward citizens." Why weren't they taught? Isn't what's precisely involved a concept of discipline?

Now, I admit it is very difficult for a lot of kids in today's society, who haven't learned these lessons, to

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CRIMINAL JUSTICE LIBRARY

We read and review:

Weighing all the evidence in criminal cases

Introduction to Criminal Evidence, 2d ed. By Jon R. Waltz. Chicago: Nelson Hall Inc., Publishers, 1983. 470 pp. \$17.95.

Jon R. Waltz is a professor at the Northwestern University School of Law and has written or cowritten at least five previous books on evidence. He states in his preface that the volume is intended for lawyers, nonlawyers, undergraduates, and law students, yet it is most suitable for undergraduates — especially pre- or in-service law enforcement officers.

Sprinkled throughout the text are a number of statements that law enforcement officers must or should do or not do something, indicating that Waltz also sees this group as the primary audience. The book is not comprehensive enough for law students or lawyers and not specific enough as to jurisdiction for practicing lawyers. There are a number of readily available works that are better suited for lawyers and law students.

The book opens with three chapters that provide valuable background information. The first deals with published sources of law and will assist readers in finding the cases and statutes cited in the text. Chapter two deals primarily with the trial process and does a good job of presenting such basic concepts as "questions of law and fact" and "weight of the evidence." The third chapter goes on to deal primarily with the trial record — an important topic not given much coverage in many other evidence texts. The discussions of objections and offers of proof are especially informative, and chapters two and three go a long way toward helping the student understand what goes on at a criminal trial and appellate review. Although not essential, definitions of "evidence" and the "law of criminal evidence" might have been helpful in these introductory chapters.

The bulk of the book deals with all of the topics traditionally covered in undergraduate evidence texts such as hearsay, judicial notice, writings and the opinion rule. There is also good coverage of topics sometimes found in books on criminal procedure, for example, searches and seizures, Miranda, confessions, and the exclusionary rule. These chapters make the book suitable for a combination criminal evidence and procedure course or program of self-study.

The basic concepts are generally explained clearly enough for an undergraduate reader, and numerous brief summaries of actual or hypothetical cases provide good illustrations. Also of value are the frequent portions of trial transcripts that graphically demonstrate operation of the rules at trial. In many instances the reason for the rule is explained and this should facilitate both comprehension and retention. There are also occasional tips or suggestions that may be helpful to law enforcement officers in the course of their duties.

In addition to the cases and other sources cited in the text, there is a 19-page bibliography with sections corresponding to each chapter. Unfortunately, too many of the citations are to law review articles, which may be too technical or complex for many readers.

The only questionable feature of the book is its inclusion of too much material on scientific evidence that is of only marginal importance to an undergraduate-level text of criminal evidence and procedure. Although readers should be given some material on the technical aspects of gathering and analyzing scientific evidence, such as fingerprints, VASCAR or autopsy specimens, Waltz spends almost 100 pages out of 442 pages of his text on such topics. Too many pages are spent on details with limited relevance. For example, five pages are

devoted to the history of the insanity defense, and four pages are spent on the history of the development and admissibility of photographic evidence.

While most of these "extras" are interesting and readable, some are not at all. The section on forensic pathology is much too technical for most readers. Two examples would be: "Large trocars used for the purpose of therapy might cause skin defects that could be mistaken for gunshot wounds..." and "It may be of utmost importance, for example, to know where the distal end of the endotracheal

tube is in relation to the carinas of the mainstream bronchi." In short, much of the material in this lengthy chapter is more appropriate for and can be found in texts on criminal investigation and scientific evidence.

Overall, however, this book is a clear, well-written product that should be a valuable resource for undergraduates or in-service police officers.

— RAYMOND G. KESSLER
Consultant and author
El Paso, Texas

Research help for the anxiety-ridden

Criminal Justice Research Sources. By Robert L. O'Block. Cincinnati, Ohio: Anderson Publishing Co., 1983. 121 pp.

Criminal justice students are, by necessity, decision makers. Daily, in the course of their educations, they are faced with the task of making decisions about how to plan and organize research. Unlike unskilled workers who are told what to do and how to do it, students must basically plan for themselves. It is assumed by many educators that students possess the necessary knowledge and skills to make valid decisions about what to do and how. But how are students to know what is the right answer in a particular situation? Although there are other sources of knowledge such as experience, authority, and tradition, it is scientific knowledge about the criminal justice system that makes one of the most valuable contributions to decision making in that system.

At this point it may be well to ask the question, what is research? Research may be defined as the application of the scientific approach to the study of a problem. As a way of acquiring dependable and useful information, its purpose is to

discover answers to meaningful questions through the application of scientific procedures.

As such, two goals are of paramount importance in a book designed to insure that students master the basic skills associated with research: to understand and evaluate the research of others, and to plan and conduct research with a minimum of assistance. It is toward the latter goal that Robert O'Block works in his book "Criminal Justice Research Sources."

As the author reveals — and personal experience confirms — it is a disturbing fact that students both at the undergraduate and graduate level are not, in many circumstances, educationally equipped to conduct basic research. This book, as O'Block states, "has been designed to be of value as a major reference text to any criminal justice course which requires outside assignments — from annotated bibliographies to major research projects." The work is divided into 14 sections that set forth the basic process required to prepare a research paper.

The author states that the book, "was written with the primary objective of

compiling into one, easy-to-use source, a comprehensive collection of materials that can be of assistance to criminal justice students when gathering information for reports, term papers and research projects." Beyond this, and to O'Block's credit, he has sequenced the material in this book in a manner that approximates the process a student would follow in researching a topic for subsequent preparation of the project.

The author closes with four appendices that cover the research process, the research paper, grants and publishing opportunities. The appendices are brief but they still serve to provide the student basic information designed to ease the trauma of initially preparing a research project.

This book is an important tool for assisting the criminal justice student in the process of research. It is indeed, as the author states, "a major reference text," a text that can help to reduce the frustration and anxiety connected with the preparation of a research paper.

— DAVID L. RATHBONE
Director of Court Services
Elkhart, Indiana

Putting investigative insight into print

Practical Criminal Investigation. By Manuel S. Pena. Costa Mesa, Calif.: Custom Publishing Company, 1982. 415 pp.

"Practical Criminal Investigation" was written by a veteran of some 28 years in military and municipal law enforcement agencies. He assumes that the reader has little knowledge of criminal investigative procedures and techniques and uses the first chapter to acquaint the reader with the basic objectives and to give a general overview of this critical function in law enforcement.

One sentence on the first page really caught my attention and gave rise to a thought that deserves some reflection: How many investigators or police departments really understand their goals? As is aptly put by Pena: "The objective of a criminal investigation is to establish the truth or falsity of a complaint, basing conclusions on facts derived through a complete and impartial investigation. If a crime has been com-

mitted, it is essential to establish the corpus delicti or elements of the crime in a court of law and to prove beyond a reasonable doubt that the accused committed the crime."

After the first chapter, this work proceeds through the various qualities, tools and knowledge that a competent, efficient and professional criminal investigator must possess in order to be successful in this field. Some of the topics covered are notes and reports, interviewing, crime scene, surveillance, criminalistics and court testimony.

Each chapter includes an introduction, summary and questions for discussion. The questions require a comprehensive understanding of the material included in the chapter.

Many points, techniques and methods are illustrated through the use of photographs from actual cases. They afford the reader a better understanding of the written material and increase interest in the subject matter.

Two areas examined in this book

perhaps set it apart from most criminal investigation handbooks and texts. The chapter on "Terrorism, Bombings and Hostage Incidents" is relevant, complete and current. The other section is titled "Recent Contributions to Investigative Technology" and lists the various products available to assist the investigator in reaching the objective mentioned earlier. Additionally, the role of hypnosis in the investigative process is closely examined, including its ethical and legal considerations.

The text concludes with two pages of bibliographic footnotes that indicate other works one might consult for additional information. Likewise, a glossary of terms germane to criminal investigation is included in this section.

The book appears to be a natural addition to higher-level police oriented curricula.

— JACK F. DOWLING
Director of Security and Safety
Bucknell University

New police institute grinds slowly into gear

The National Institute of Policing, a nonprofit organization proposed by the U.S. Conference of Mayors to provide support services for police chiefs and mayors, has moved from an idea discussed at a national convention to an "organization in development," according to one of the organizers.

The institute was proposed last January by a group of mayors who said such an organization could help fill the gap created after the Law Enforcement Assistance Administration was disbanded.

The idea had the support of Police Foundation president Patrick V. Murphy, who promised to provide staff assistance to set up the institute.

Since then, the founders have organized a steering committee to plan short-range projects and long-range goals, and has conducted its first training seminar.

A spokesman for the Police Foundation said the purpose of the institute is to "help mayors and police chiefs to exercise their accountability for policing and crime control in the most productive and practical manner possible."

He said it will be built on the premise "that effective law enforcement depends on cooperation between the mayor and the police chief, and cooperation and the sharing of information among police departments, and on the mayors and police chiefs working together at the national level to make their voices heard on the issues of crime control and police improvement."

The steering committee met in Washington this month to plan how to carry out those goals. The committee consists of Mayors Daniel Whitehurst of Fresno, Calif., Joe Reilly of Charleston, S.C., Richard Buchanon of Bloomington, Ill., and Thomas Cook of East Orange, N.J., as well as police chiefs Anthony Bouza of Minneapolis, C.C. Elmore of Gastonia, N.C., and Maurice Turner of Washington, D.C.

The institute's first training seminar was conducted at the Conference of Mayors convention in Denver last June. About 60 mayors and police chiefs attended the two-day session, which featured Chief Ray Davis of Santa Ana describing community-oriented policing, James Fyfe of American University

discussing police use of deadly force and a city's liability for that use, and Chief David Couper of Madison, Wisc., outlining innovative ways to evaluate police agencies.

The Police Foundation spokesman said response to the seminar was very favorable, and that enthusiasm for the institute is growing.

"There has never been at the national level an attempt by mayors and other elected officials and police chiefs to work together to affect public policy on police and law enforcement issues," he said.

DoJ estimates 35 serial killers on the loose

Continued from Page 3

killers fit into, and that this research would be used to try to find patterns or clues that could identify suspects in unsolved serial murders.

He said the research also showed that "many of these people are not obviously mentally ill and will look as normal as the person next door."

Alfred Regnery, administrator of OJJDP, said serial murders often involve torture, sexual assault and mutilation and "more often than not, victimizes children."

He said many children listed as missing actually are victims of these murderers, which is why his agency sponsored the research.

Pierce Brooks, a former homicide detective in Los Angeles who has helped develop the VI-CAP system, said the research also will help answer questions that are useful to investigators, such as how kidnappers get a child out of a crowded area, whether they are likely to be at the scene when the child is found and whether they read press accounts of the crime and what effect those reports have.

NY's McGuire answers claims of police abuse

Continued from Page 3

ly a fuzzy flash-photo imprint on the memories of those involved."

McGuire, Koch and other city officials did not attend the September Congressional hearing, saying the choice of a large armory building as the site would create a "circus" atmosphere. The hearing originally began in July, but was postponed when an overcrowded hearing room at the Harlem State Office Building erupted with angry shouts. The second hearing proceeded without interruption.

Conyer's aide said city officials were invited to the Brooklyn hearing, but Koch said it was "open" on whether he would attend.

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Civil liability as a consequence of poor dispatching

Continued from Page 5

the line officer in the exercise of discretion in the field. However, it can be argued that such mandatory police action statutes undermine the police function and should be vigorously opposed by police labor organizations when such laws are proposed at the state and local levels.

(*Nearing v. Weaver*, Supreme Court of the State of Oregon No. 29424, filed October 4, 1983.)

Police Department — Civil Liability

In an unrelated case, the Supreme Court of the State of Washington, with two Justices dissenting, ruled that a husband and wife who were victims of a crime could probably maintain an action against a local police department when a dispatcher promised to send officers but failed to do so.

This case arose out of an incident in which a husband and wife were stuck in traffic while in their car in downtown Woodinville, Washington. For an undisclosed reason, two men who were in a pickup truck directly in front of the husband and wife got out of their truck and proceeded to beat up the couple.

Between 5:50 P.M. and 7:12 P.M., the King County Police received eleven

telephone calls about the incident before officers were sent. The beaten-up wife called the police department three times herself while her husband sought to follow the attackers. A transcript of the police tape log contained statements made by the police dispatcher to the wife that "help was on the way." Such statements were made even though the dispatcher had not dispatched officers to the scene of the assault.

The husband and wife sued the county, the King County Police, and the King County Sheriff, claiming that the conduct of the dispatcher and police department "negligently caused them to suffer severe emotional distress," and further that the respondents' "extreme and outrageous conduct recklessly caused them to suffer severe emotional distress."

Holding that the police department owed no special duty to the husband and wife, the trial court dismissed the complaint and this appeal followed. The Washington Supreme Court ruled that the trial court improperly dismissed the husband and wife's action.

In reaching that decision, the Washington high court noted that no action can be maintained against a police officer or the department unless there is a

special duty owed to the plaintiff. In this case that special duty was created by the false promise of the dispatcher to the wife that police assistance would be forthcoming.

Going beyond the issue of whether the plaintiffs had a viable cause of action in this case, the Washington Supreme Court concisely set forth the elements of the "special duty." Justice Stafford wrote:

"An actionable duty to provide police services will arise, if (1) there is some form of privity between the police department and the victim that sets the victim apart from the general public... and (2) there are explicit assurances of protection that give rise to reliance on the part of the victim..."

"The term privity is used in the broad sense of the word and refers to the relationship between the police department and any 'reasonable foreseeable plaintiff...' As to the second element, the assurances need not always be specifically averred, as some relationships carry the implicit character of assurance..."

The "special duty" theory is the trend in police civil liability cases. Despite the reluctance of many courts to find police officers and departments liable for work-related actions, there is a growing movement on the part of state courts to hold police departments liable for failing to act after a "special duty" to do so has been created.

The fact that these two decisions came within three weeks of each other in adjacent states is particularly noteworthy. When several states from the same geographical area formulate and espouse similar legal theories, such holdings start to appear in the Federal courts of that area. There is a tendency on the part of the U.S. Supreme Court, especially in the criminal justice area, to pick up on emerg-

ing legal theories and incorporate them into the Supreme Court case law.

A nationwide policy of allowing civil actions against police officers and police departments is indeed possible in the not-too-distant future. Individual officers and departments can immunize against a flood of civil suits by establishing guidelines, and striving for quality policing. Civil actions against officers will not gain nationwide acceptance if police officers strive all the more diligently to serve the public and cement the public trust.

This is easily accomplished by providing the public, to whom no "special duty" is owed, with accurate information, and responsive, intelligent policing. These decisions and others in the area consistently stress the fact that the courts will now allow victims to pursue civil remedies when police promise action and then fail to follow through.

The few cases that have been reported in this area seem to reflect a pattern of courts finding civil liability for the nonfeasance or acts of omission of police dispatchers. Improved training of dispatchers may reduce the need for victims to bring civil suits against police departments.

(*Chambers-Castenes v. King County*, Washington Supreme Court, decision announced September 15, 1983.)

(Author's Note: The area of police civil liability is still in its infancy and is not widely reported. If you or your department is or has been involved in litigation in this area which you think would be of interest to the readers of *Law Enforcement News*, kindly send a copy of the court's decision in your case or other relevant material to: Avery Eli Okin, Supreme Court Briefs, Law Enforcement News, 444 West 56th Street, New York, NY 10019.)



Los Angeles police chief Daryl Gates.

Wide World Photos

Law firm blasts LAPD intelligence for placing spy in Black Panthers

Continued from Page 1

The commission then ordered that the intelligence unit be disbanded and set strict limitations on intelligence operations. The police department began an internal investigation into the removal of the files.

But the controversy did not end there. The American Civil Liberty Union filed suit against 12 undercover officers who worked in the intelligence unit, charging them with illegal spying, including David Bryant, the officer who infiltrated the Black Panthers.

It was through the ACLU suit that O'Melveny and Myers learned that their client actually was a police officer, not a Black Panther member.

The Police Commission said its investigation would look into allegations that files were hidden and related charges. But commission president Stephen Yslas said it was "absolutely not intended to impugn the integrity of

the IAD [Internal Affairs Division] investigation" or of Gates.

Yslas also said he doesn't think the law firm owes Gates an apology. "I think it was O'Melveny & Myers' right and it was perfectly acceptable for them to write the commission... I would have done exactly what O'Melveny & Myers did."

Gates charged that the Police Commission investigation was a political move by City Council members who wanted to head off a possible mayoral candidacy for Gates in 1984.

"Make me mad enough, and I might just get into politics," he said.

Gates has said that there is "no indication" he received reports on the confidential attorney-client meetings. "There are no written reports on that — no written reports at all," he said. The Black Panther undercover operation began under former chief Edward Davis.

The joint investigation is expected to last about four months and results will be released to the public.



Breaching the Defense perimeter

Nineteen-year-old UCLA Ronald Mark Austin is led away in chains from a Los Angeles Municipal Court November 3 after pleading not guilty to charges that he used his home computer to break into a U.S. Department of Defense communications system.

Wide World Photos

JOBS

Police Captain, City of Broomfield, Colorado. Perform complex administrative and supervisory work over activities and operations of assigned divisions. Requires bachelor's degree in law enforcement, public administration or closely related field; 10 years progressively responsible law enforcement experience, including five years of supervisory/managerial experience with at least two years at rank of lieutenant, or equivalent combination of training and experience with a minimum of two years at police lieutenant level. Minimum salary \$34,600 — actual salary commensurate with experience. Excellent benefits package.

Four to eight best qualified applicants will be scheduled for written evaluation and oral board interview. One to three applicants will be selected by director for further processing, i.e., polygraph, psychological examination and background investigation. Finalist will be scheduled for employment physical.

Obtain designated application form from Personnel Division, 6 Garden Center, Broomfield, CO 80020. Telephone (303) 469-3301. Submit by December 14, 1983.

Assistant/Associate Professor, The Criminal Justice Program at Stephen F. Austin State University is seeking qualified applicants for a tenure-track position.

Primary assignment will be to teach four courses per semester in the law enforcement and/or private security curriculums, and advise student. Additional duties will include university, school and departmental committee service and research and publication activity.

The position requires a Ph.D. or the equivalent (a research-oriented degree). Final-stage ABD will be considered but an earned doctorate is required at time of appointment. A commitment to higher education is required, as demonstrated by full-time college teaching experience, scholarly writings and research. Law enforcement agency experience or the equivalent is also a requirement.

Salary range is competitive, plus excellent benefits. To apply, send letter of application, updated vita, all official transcripts and three letters of recommendation to: Search Committee Chairman, Criminal Justice Program, Stephen F. Austin University, P.O. Box 6178 — SFA Station, Nacogdoches, TX 75962. Deadline for receipt of applications is January 27, 1984. Starting date for the successful applicant is September 1, 1984.

Chief of Police. The police department in Newton, Iowa, is seeking to replace a chief who is retiring after nine years. The department, with an annual budget of

\$940,000, consists of 25 sworn officers and 4 civilians, and serves a population of 15,000.

The position requires an individual with a minimum of five years' experience in public law enforcement. A B.S. or M.S. with an emphasis in police science or public administration is preferred. There is a competitive exam under Civil Service guidelines.

Salary range is currently \$27,676 to \$29,613 with excellent benefits. Candidates must submit standard application, plus additional resume if desired. To obtain application form, write: Administrative Assistant, City of Newton, P.O. Box 399, Newton, IA 50208.

Research Coordinator. An experienced research director is needed for a study of juvenile courts in North Carolina.

The required qualifications include a Ph.D. or ABD in criminal justice, social psychology, sociology or a related field. Experience in empirical analysis of criminal or juvenile justice agencies is highly desirable. Responsibilities of the position will include design of data collection, supervision of research assistant and analysis of data for publication.

Send resume before December 1 to: Professor Steven H. Clarke, Institute of Government, University of North Carolina at Chapel Hill, Chapel Hill, NC 27514. For further information, phone (919) 966-4399.

Chief of Security. There is a vacancy for an experienced security manager in a single-family residential subdivision in Palm Beach County, Fla.

The position involves supervisory and administrative responsibilities for security operations, and requires at least five years' experience as a full-time law enforcement officer. An administrative background is mandatory, and college background is preferred. Salary is commensurate with qualifications.

To apply, send resume to: Property Management, Personnel Department WKE, 261 East Palmetto Park Road, Boca Raton, FL 33432.

Interview: Adam Walinsky, Police Corps co-creator

Continued from Page 10

teach them that in the present kind of police training. That's another thing that I think the training we're talking about would change. So we're talking about very, very intensive training, 24-hour-a-day training, under very rigorous conditions, which we would hope would be fully as demanding as was the training for Marine Corps recruits, the original Peace Corps training, anything like that. And then, to have that done before they graduate, so as not to take away from the three years' service.

LEN: Just as there are those who would agree that there are aspects of police training that fall short because of the absence of military experience among recruits, there are also those who would contend that the military model of policing is not necessarily all that it's made out to be.

WALINSKY: We're not trying to militarize the police. We're only suggesting that those common elements are very important, and the military is simply an organizational concept that has supplied very important values. Of course they're not the only ones, and police officers have to be much, much broader and much more sensitive and exercise much more discretion than most people in the military ever do. So clearly, the training has to be much, much broader than that. Remember, we're not just talking about isolating and just giving them this police training. These are going to be people who are undergoing an ongoing educational process in very civilian colleges and universities.

LEN: Is that why the proposal states that the choice of college major would be left open to the individual recruit, ranging from, I suppose, the humanities to business administration to, perhaps, criminal justice?

WALINSKY: Well, perhaps not the latter. Remember that what we're talking about are four-year colleges, not two-year. I do not understand criminal justice to be a four-year, accredited college program anywhere, and indeed, we would not be encouraging that. I don't know that you can really teach police work in school. The work itself is something that, from what I can see, depends much more on inherent good judgment, experience, common sense, sensitivity, courage — qualities of character learned by assimilation rather than taught in classes. So we would be hoping that what we had here were not people who were just majoring in criminal justice, whatever that is, but people who were majoring in, for example, anything from government, history,

sociology, or business administration, music, art, theology, engineering, whatever.

Trading experience for enthusiasm

LEN: Just backtracking a bit, looking at the three-year term of the Police Corps member, couldn't it be argued that police officers don't really start to become truly effective, street-wise, productive law enforcers until they've been out on the streets in the police profession for some time?

WALINSKY: We've discussed this with police commanders all over the country, and I would say that the following statement represents a consensus of virtually all of them. Of course, as police officers have more time on the job they get more experience and their effectiveness goes up on the basis of their experience. At the same time, the longer the police officer spends on the street, the more their enthusiasm for the job, particularly for the basic jobs of patrol, goes down. So there's a tradeoff between enthusiasm, freshness and youth on the one hand and experience on the other.

As a matter of fact, if you look at the records of rookie police officers, every experienced police officer is familiar with the phenomenon of a certain number of rookies coming in and making a tremendous number of felony collars, often far above that of more experienced officers. It comes from that enthusiasm, and it's understandable. After five years, who wants to keep running down alleys in the dark?

So I guess the answer to that question is, as I say, I think we'll make up a general quality on the one hand and youth and enthusiasm on the other what is lost in experience, and secondly and equally important, the provision of these young people to do the street jobs is going to make it possible for thousands and thousands of experienced career officers to move up the career ladder in a way that is natural and right for them to do.

LEN: When Police Corps members are finally on the streets or in the subways, working side by side with regular career officers, will the difference in pay scales that you project foster any sort of inequity or resentment, with Police Corps members saying, "I'm doing the same job and taking the same risks as Officer X, who gets paid \$22,000 to my \$15,000."

WALINSKY: First, he got the education, which the other officer didn't get, and secondly, that was the deal

that he or she knew going in. It's going to be made very clear to them when they sign up that that's what it is. That's the tradeoff that they're going to make, to get that educational expense fronted, and that in effect they're going to be paying it back through that differential in pay scales later. That seems to be perfectly reasonable.

Short-term strains

LEN: Would the addition of some 30,000 Police Corps officers in New York State presume that there will be resources added to other components of the system so as to assure that the volume of arrests that accrues as a result of the extra police doesn't simply slide through gaping holes in other areas of the system?

WALINSKY: It's not clear yet what the effect of adding all these extra people will be. It may be to increase the volume of arrests in the short run; it may also be to decrease it, because it may be that we'll suppress a lot of the crime that now exists. I believe that in fact we will. So it's not necessarily true that we're going to get more arrests or more offenders. In fact, we'll probably have fewer total offenders. We get more arrests of fewer offenders, in which case in the relatively short run we'll end up with fewer offenses and maybe fewer arrests. There's no question that we have to be prepared for some short-term strains on the system. We ought to do whatever is necessary to cope with those. I do not accept any argument or implication that we ought to refrain from adding policemen because that's going to increase the volume of the arrests and make it difficult for somebody else. You might as well say that what we should do is reduce our police forces to zero because that's going to make it very easy for the rest of the system to work, because there will be no arrests to process.

In fact, while police have been sharply declining and resources devoted to police have been sharply declining in relation to their workload, which is the number of crimes committed, in fact the resources devoted to prosecutors and courts have more than kept up with their workload, which is the number of arrests. We've spent a lot more money on prosecutors. Now, why that system is in the chaos it is in many places, and why it seems not to work, that's a topic for another day. We don't pretend to have all of the answers.

UPCOMING EVENTS

DECEMBER

- 12-14. Use of Supervisory Principles Within Communication Centers. Presented by the University of Delaware in cooperation with Delaware State Police. Fee: \$310.
- 12-14. Police Decision-Making and Leadership Development Workshop. Presented by the Traffic Institute. Fee: \$330.
- 12-14. Advanced Police Internal Affairs. Presented by the Institute of Police Traffic Management. Fee: \$250.
- 12-16. Accident Investigation Photography. Presented by the Traffic Institute. Fee: \$330.
- 12-16. Narcotics Course for Patrol Officers. Presented by the Georgia Police Academy.
- 12-16. Supervision of Police Personnel. Presented by the Southern Police Institute.
- 12-16. Firearms Instructor. Presented by Smith & Wesson Academy. Tuition: \$450.
- 12-16. Criminal Investigation Photography. Presented by the Georgia Police Academy.
- 14-15. Computer Center Risk Assessment and Analysis. Presented by the University of Delaware. Fee: \$325.
- 15-16. Hostage Incidents in a Medical Setting. Presented by the Lifestyle Management Associates. Fee: \$95.
- 15-16. Dealing With Child Abuse. Presented by the Criminal Justice Center of John Jay College of Criminal Justice. Fee: \$150.
- 19-21. Officer Survival. Presented by Smith & Wesson Academy. Tuition: \$350.
- 26-January 9. Criminal Justice Systems Tour of London & Paris. Sponsored by the Virginia Commonwealth University. To be

held in Richmond, Va. Fee: \$1395. 3 college credits: graduate or undergraduate.

JANUARY 1984

- 4-6. Video Surveillance Techniques. Presented by Smith & Wesson Academy. Tuition: \$275.
- 9-10. Information Security Systems. Presented by the University of Delaware. Fee: \$325.
- 9-11. Vire and Narcotics Control. Presented by the Criminal Justice Center of John Jay College. Fee: \$175.
- 9-11. Police Handling of Juveniles. Presented by the University of Delaware in cooperation with the Wilmington Department of Police. Fee: \$275.
- 9-13. Analytical Investigation Methods. Presented by ANACAPA Training Courses. Sponsored by the Oklahoma City Police Department. To be held in Oklahoma City, Okla. Fee: \$395.
- 9-13. Analysis of Law Enforcement Data. Presented by the Institute of Police Traffic Management. Fee: \$295.
- 9-20. Police Instructor Training. Presented by the Traffic Institute.
- 9-20. Homicide Investigation. Presented by the Southern Police Institute.
- 9-20. Crime Prevention Technology & Programming. Presented by the National Crime Prevention Institute. Tuition: \$500.
- 9-March 16. School of Police Staff and Command. Presented by the Traffic Institute.
- 11-12. Computer Crime Detection and Investigation. Presented by the University of Delaware. Fee: \$325.
- 16-17. New Wireless Protection

Technology: Surveillance-Investigative-VIP Protection Applications. Presented by Richard W. Kobetz & Assoc., Ltd. To be held in Orlando, Fla. Fee: \$350.

16-17. Crime Analysis. Presented by the University of Delaware in cooperation with the New Castle County Department of Public Safety. Fee: \$250.

16-17. Industrial Espionage: Countermeasures and Intelligence Techniques. Presented by the University of Delaware. Fee: \$325.

16-20. Analytical Investigation Methods. Presented by ANACAPA Training Courses. Sponsored by the Nevada Division of Investigations. To be held in Las Vegas, Nev. Fee: \$395.

16-20. DWI Instructor Course. Presented by the Institute of Police Traffic Management. Fee: \$295.

17-20. Forensic Science Techniques. Presented by the Traffic Institute.

18-19. Aircraft Security. Presented by Richard W. Kobetz & Assoc., Ltd. To be held in Orlando, Fla. Fee: \$350.

23-25. Police Interview and Interrogation. Presented by the University of Delaware in cooperation with the Wilmington Police Department. Fee: \$275.

23-27. Analytical Investigation Methods. Presented by ANACAPA Training Courses. Sponsored by the New Orleans Police Department. To be held in New Orleans, La. Fee: \$395.

23-27. Breathalyzer Maintenance. Presented by Smith & Wesson. Tuition: \$425.

23-February 3. Police Executive Development. Presented by the Southern Police Institute.

23-February 17. Principles of Police Management. Presented by the Institute of Police Traffic Management. Fee: \$750.

25-26. Dispatcher Stress and Burnout Reduction. Presented by the University of Delaware in cooperation with Delaware State Police. Fee: \$210.

25-27. Pressure Point Control. Presented by Smith & Wesson Academy. Tuition: \$175.

30-31. Training the Trainer. Presented by the Criminal Justice Center of John Jay College. Fee: \$150.

30-February 3. Level I Revolver. Presented by Smith & Wesson Academy. Tuition: \$375.

FEBRUARY

1-2. Communication Center Budget Formulation and Implementation. Presented by the University of Delaware in cooperation with Delaware State Police. Fee: \$210.

1-3. Handgun Retention Instructor. Presented by Smith & Wesson Academy. Tuition: \$225.

6-7. Investigating Organized Crime Homicide. Presented by the Criminal Justice Center of John Jay College. Fee: \$150.

6-7. Retail Security and Shortage Control. Presented by the University of Delaware. Fee: \$325.

6-8. Tire Forensics for the Traffic Accident Investigator. Presented by the Institute of Police Traffic Management. Fee: \$250.

6-10. Child Abuse. Presented by the Delinquency Control Institute. To be held in Santa Barbara, Calif. Fee: \$147.

6-10. Analytical Investigation Methods. Presented by ANACAPA Sciences, Inc. Sponsored by Virginia State Police. To be held in Richmond, Va. Fee: \$395.

6-17. Police Supervisory Principles. Presented by the University of Delaware in cooperation with the Wilmington Department of Police. Fee: \$1200.

8-9. Food Service Security. Presented by the University of Delaware. Fee: \$325.

8-10. Flashlight Instructor. Presented by Smith & Wesson. Tuition: \$150.

13-15. Enhancement of Police Managerial Skills. Presented by the University of Delaware in cooperation with New Castle County Department of Public Safety. Fee: \$350.

13-16. Improving Police Performance Appraisals. Presented by the Institute of Police Traffic Management. Fee: \$250.

13-24. Criminal Intelligence Analysis. Presented by ANACAPA Sciences, Inc. Sponsored by Metro-Dade Police Department. To be held in Miami, Fla. Fee: \$695.

13-17. Firearms Instructor. Presented by Smith & Wesson. Tuition: \$450.

16-17. Advanced Techniques for the Juvenile Officer. Presented by the Criminal Justice Center of John Jay College. Fee: \$150.

22-24. Officer Survival. Presented by Smith & Wesson Academy. Tuition: \$350.

23-24. Developing and Implementing of a Police Stress and Burnout Reduction Program. Presented by the University of Delaware in cooperation with New Castle County Department of Public Safety. Fee: \$225.

23-25. Eleventh Annual Conference — Western Society of Criminology. To be held in San Diego, Calif.

MARCH

1-2. Methods of Interview & Interrogation. Presented by the Criminal Justice Center of John Jay College. Fee: \$150.

5-16. Advanced Traffic Accident Investigation. Presented by the Institute of Police Traffic Management. Fee: \$425.

6-8. Special Education Workshop. Presented by the Federal Bureau of Prisons in conjunction with Eastern Kentucky University.

12-13. Effective Handling of Spouse Abuse & Wife Beating. Presented by the Criminal Justice Center of John Jay College. Fee: \$150.

12-23. Police Motorcycle Instructor. Presented by the Institute of Police Traffic Management. Fee: \$1,000.

13-16. State Police Training Directors. Presented by the Institute of Police Traffic Management. Fee: \$150.

18-23. International Homicide Investigation. Sponsored by Southeastern Ohio Regional Crime Lab, Hocking Technical College. Fee: \$385.

19-30. Traffic Accident Reconstruction. Presented by the Institute of Police Traffic Management. Fee: \$550.

26-30. Police Traffic Radar Instructor. Presented by the Institute of Police Traffic Management. Fee: \$295.

26-30. Child Abuse. Presented by the Delinquency Control Institute. To be held in Los Angeles. Fee: \$147.

26-30. Firearms Instructor. Presented by the Smith & Wesson Academy.

29-30. Implementing Alternative Action. Presented by the Criminal Justice Center of John Jay College. Fee: \$150.

Round 'em up

Whether you're planning a professional training workshop, organization conference or a educational seminar, you'll get the word out more effectively when you post the listing in the Upcoming Events section of Law Enforcement News. To make sure that your next event is properly publicized, send the details at least 8 weeks in advance to: Evelyn Otero, Law Enforcement News, 444 West 56th Street, New York, NY 10019.

Directory of Training Sources and Conference Sites

Americana for Effective Law Enforcement Inc., 501 Grandview Dr. #209, San Francisco, CA 94080. Tel: (415) 877-0731

ANACAPA Sciences Inc., Law Enforcement Programs, Drawer Q, Santa Barbara, CA 93102

Calibre Press, 666 Dundee Rd., Suite 1607, Northbrook, IL 60062

C. W. Post Center, Hillwood Commons Cinema, Greenvale, NY 11548. Tel: (516) 299-2886.

Criminal Justice Center, John Jay College of Criminal Justice, 444 West 56th Street, New York, NY 10019. Tel: (212) 247-1600

Eastern Kentucky University, 202 Perkins Building, Richmond, KY 40475. Tel: (606) 622-1158.

Georgia Police Academy, 959 E. Confederate Ave., P.O. Box 1456, Atlanta, GA 30371. Tel: (404) 656-6105

Hocking Technical College, Route 1, Nelsonville, OH 45764. Tel: (614) 753-3591.

Human Service Associates, 17 Westminster Drive, Montville, N.J. 07045. Telephone: (201) 334-7415.

Institute of Police Traffic Management, University of North Florida, 4567 St. Johns Bluff Rd. So., Jacksonville, FL 32216

International Society of Crime Prevention Practitioners, Inc. 1300 Beaubien, Detroit, MI 48226.

Richard W. Kobetz and Associates,

North Mountain Pines, Route Two, Box 342, Winchester, VA 22601. Tel: (703) 662-7288

Lifestyle Management Associates, Inc. 5350 Poplar Ave., Suite 410, Memphis, TN 38119. Telephone: (901) 767-2768.

Massachusetts Criminal Justice Training Council, 1 Ashburton Pl., Room 1310, Boston, MA 02108

McCabe Associates, 564 Broadway, Bayonne, NJ 07002. Telephone: (201) 437-0026.

National Intelligence Academy, 1300-1400 N.W. 62nd Street, Fort Lauderdale, FL 33309.

National Judicial College, University of Nevada, Reno, NV 89557. Telephone: (702) 784-6747

Pennsylvania State University, S-159 Human Development Bldg., University Park, PA 16802

Rosa Engineering Associates, 7906 Hope Valley Court, Adamstown, MD 21710

Smith & Wesson Academy, 2100 Roosevelt Avenue, Springfield, Mass. 01101. Telephone: (413) 781-8300.

Traffic Institute, 555 Clark Street, P.O. Box 1409, Evanston, IL 60204

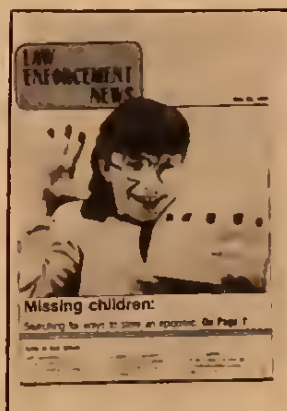
University of Delaware, 2800 Pennsylvania Avenue, Wilmington, DE 19806. Tel: (302) 738-8155

Virginia Commonwealth University, 816 W. Franklin, Richmond, VA 23284. Tel: (804) 257-1850.

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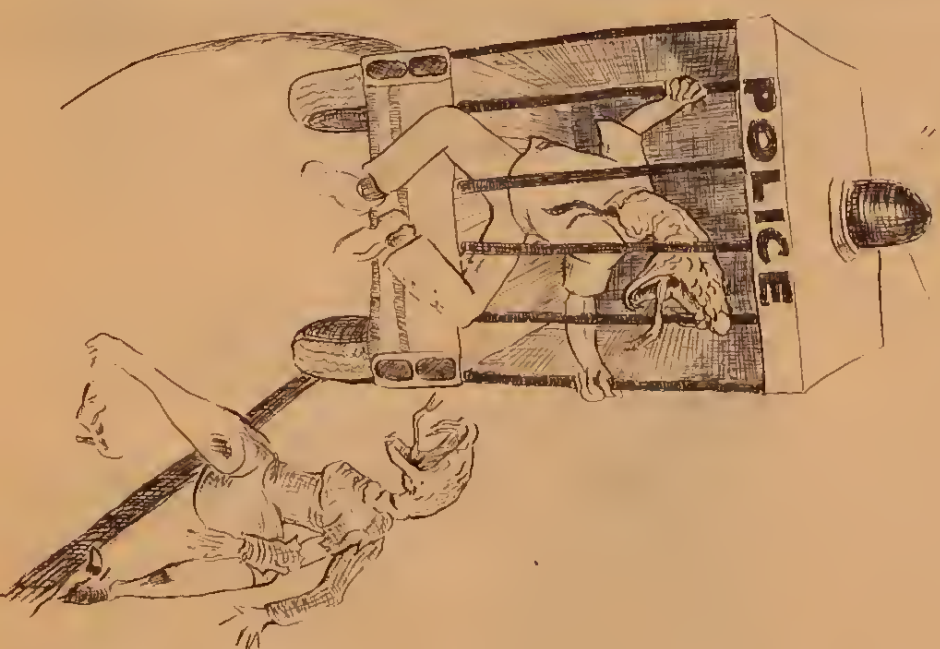
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